

ACTION MEMORANDUM



ATTORNEY GENERAL/DEPUTY ATTORNEY GENERAL

Subject

Review of Existing Departmental Regulations
Pursuant to the President's Deregulation
Initiative

Date

February 26, 1992

TO: George J. Terwilliger, III
Acting Deputy Attorney General

FROM: Steven R. Schlesinger *SR*
Director
Office of Policy Development

Summary: The President's memorandum of January 20

requires each agency to evaluate its existing regulations and to
propose possible deregulatory initiatives. The memorandum for

your signature requests each component to evaluate its own regulations.

Action Required:

Signature on attached memorandum to all components

**Due Date/Action
Forcing Event:**

Department's response is due 90 days from January 28, 1992.

**DOJ Coordination: Division/Component and Views (attach comments
if other than concurrence)**

This draft has been coordinated with Jim Rill's office and reflects their
revisions.

Concurrences:

DAG OLC OPD OLA PAO JMD ATR

Initials

Date

		<i>SR</i>				<i>SR</i> <i>on FR</i>	
		2/26/92				2/27/92	

Recommend prompt approval.

**External Coordination: Agency and Views (attach comments if other
than concurrence).****Contact Point for**

Additional Information: Kevin R. Jones, 514-4604



U. S. Department of Justice
Antitrust Division

mb 3/13
2-27-92

Office of the
Deputy Assistant Attorney General

TO: George J. Terwilliger, III
Acting Deputy Attorney General

FROM: J. Mark Gidley *JMG*
Deputy Assistant Attorney General
Antitrust Division

RE: Memorandum soliciting Component
Participation and Coordination
of President's Regulatory Reform
Initiative

The attached will solicit input from each DOJ component so that we are able to report our progress and support of the President's initiative. Prompt approval will enable components to respond by March 16 deadline and put the Department in best possible situation for its final report, due at the end of the 90-day moratorium.




U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

March 5, 1992

MEMORANDUM FOR HEADS OF ALL COMPONENTS

FROM: George J. Terwilliger, III 
Acting Deputy Attorney General

SUBJECT: Review of Regulatory Requirements

As you know, the President has announced a 90-day moratorium on rulemaking activities by federal agencies (subject to certain exceptions) and directed each agency to review its own regulations to identify and accelerate initiatives to eliminate unnecessary regulatory burdens and promote economic growth. A copy of the President's memorandum of January 28, entitled "Reducing the Burden of Government Regulation," is enclosed. At the end of the 90-day period, we must report the results of our evaluation to a working group of the Council on Competitiveness established by the President to coordinate the government-wide review.

James F. Rill, Assistant Attorney General of the Antitrust Division, has been designated as the Department of Justice representative to the working group. Each component head should identify a contact to Steven R. Schlesinger (514-4601), Director of the Office of Policy Development, which will coordinate preparation of the Department's response.

In order to implement the President's memorandum, I am requesting each component having published regulations (other than for organizational or internal purposes) to review those regulations under the standards of the President's memorandum, and report its preliminary conclusions to OPD by March 16. Your response should identify the regulatory programs covered by the review, identify areas where the regulations do not follow the standards of the President's memorandum, if any, and analyze whether changes are permissible under governing statutory authority. Where necessary, meetings may be arranged with those components whose regulatory programs do impose a substantial burden on the economy to consider whether some administrative changes would be advisable to better meet the standards of the President's memorandum. At the conclusion of the 90-day review period, Mr. Rill will report to the working group our analysis of the Department's regulatory programs together with any appropriate recommendations for regulatory change.

Those components believing that they do not have any regulatory programs meeting the threshold standard for review under the President's memorandum should provide a brief report describing any existing regulations for the component, if any, and an explanation of why any existing regulations do not meet the threshold standard.

Any component desiring to publish regulations during the 90-day moratorium period should prepare, in addition to other Departmental regulatory procedures, a draft of a separate letter to OMB requesting an exception from the moratorium, including an explanation of why the rule fits within one of the stated exceptions as well as a description of the reasons why publication of the rule should not be delayed.

We would also like to include in the Department's response a report on our progress in implementing Executive Order No. 12778 concerning Civil Justice Reform. Please include a description of your efforts to date implementing that Order in your March 16 response.

Finally, you should consider whether any legislative proposals for further regulatory reform could be advanced so that we can include them in our report to the White House at the conclusion of the review period.

I appreciate your cooperation with this important regulatory review effort.

Attachment

THE WHITE HOUSE

WASHINGTON

January 28, 1992

RECEIVED
DEPARTMENT OF JUSTICE

'92 JAN 29 P1:55

EXECUTIVE SECRET

MEMORANDUM FOR CERTAIN DEPARTMENT AND AGENCY HEADS

SUBJECT: Reducing the Burden of Government Regulation

As you know, excessive regulation and red tape have imposed an enormous burden on our economy -- a hidden tax on the average American household in the form of higher prices for goods and services. Just as Americans have the right to expect their government to spend tax dollars wisely, they have the right to expect cost-effective and minimally burdensome regulation. Although the Congress has thus far failed to pass most of the Administration's regulatory reform proposals, there is much the Administration can and should do on its own to reduce the burden of regulation.

A major part of this undertaking must be to weed out unnecessary and burdensome government regulations, which impose needless costs on consumers and substantially impede economic growth. We must be constantly vigilant to avoid unnecessary regulation and red tape.

We must also remember that even those regulatory programs that may have been justified when adopted often fail to keep pace with important innovations. New technologies and markets can quickly make existing rules obsolete. By the same token, existing regulations often impose unnecessary constraints on emerging technologies and markets that could not have been foreseen at the time the regulations were promulgated. Existing regulatory programs also need to be revised to take advantage of regulatory innovations, such as the flexible, market-based approaches to regulation that many of your agencies have developed over the past few years.

I am concerned that, because of the constant pressure to develop new programs, we are not doing nearly enough to review and revise existing programs. For that reason, I ask that each of your agencies set aside a 90-day period, beginning today, to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth. During this period, agency resources should, to the maximum extent possible, be devoted to these efforts. Specifically, I request that you take the following steps:

1. During the 90-day review period, your agency should work with the public, other interested agencies, the Office of Information and Regulatory Affairs, and the Council on Competitiveness to (i) identify each of your agency's regulations and programs that impose a substantial cost on the economy and (ii) determine whether each such regulation or program adheres to the following standards:
 - (a) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.
 - (b) Regulations should be fashioned to maximize net benefits to society.
 - (c) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.
 - (d) Regulations should incorporate market mechanisms to the maximum extent possible.
 - (e) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.
2. To the maximum extent permitted by law, and as soon as possible, your agency should propose administrative changes (including repeal, where appropriate) that will bring each regulation and program into conformity with the standards set forth above. As you implement these proposals, you should carefully order your agency's regulatory priorities to ensure that programs imposing the largest unnecessary burden are the first to be revised or eliminated.
3. You should designate, in consultation with the Council on Competitiveness, a senior official to serve as your agency's permanent regulatory oversight official. This person will be responsible for conducting the review, for implementing the resulting proposals, and for ensuring that future regulatory actions conform to the standards set forth in this memorandum and in applicable Executive orders.
4. To the maximum extent permitted by law, and subject to the exceptions listed below, your agency should refrain from issuing any proposed or final rule during the 90-day review

period. This moratorium on new regulations will ensure that, to the maximum extent possible, agency resources are devoted to reducing the regulatory burden on the economy. Of course, you should not postpone any regulation that is subject to a statutory or judicial deadline that falls during the review period. This moratorium does not apply to:

- (a) regulations that you determine, after consultation with the working group of the Council on Competitiveness described below, will foster economic growth;
 - (b) regulations that respond to emergencies such as situations that pose an imminent danger to human health or safety;
 - (c) regulations that you determine, after consultation with the working group of the Council on Competitiveness described below, are essential to a criminal law enforcement function of the United States;
 - (d) regulations issued with respect to a military or foreign affairs function of the United States;
 - (e) regulations related solely to agency organization, management, or personnel; and
 - (f) formal regulations required by statute to be made on the record after opportunity for an agency hearing.
5. At the end of the review period, each agency should submit a written report to me. Each report should indicate the regulatory changes recommended or made during the review period and the potential savings to the economy of those changes, including an estimate of the number of jobs that will be created. It should also include a summary of any regulatory programs that are left unchanged and an explanation of how such programs are consistent with the regulatory standards set forth in paragraph 1 above.

The 90-day review, and the preparation of the reports described in paragraph 5 above, will be coordinated by a working group of the Council on Competitiveness, chaired by the Chairman of the Council of Economic Advisers and the Counsel to the President.

I look forward to your reports on this important undertaking. I am confident that, with your help, the executive branch can do much to create conditions conducive to a healthy and robust economy.



THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
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THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
THE CHAIRMAN OF THE INTERSTATE
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THE CHAIRMAN OF THE BOARD OF GOVERNORS OF
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THE CHAIRPERSON OF THE FEDERAL DEPOSIT
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THE CHAIRMAN OF THE SECURITIES AND
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THE CHAIRMAN OF THE FEDERAL MARITIME COMMISSION
THE CHAIRMAN OF THE EQUAL EMPLOYMENT
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THE ADMINISTRATOR OF THE
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THE CHAIRMAN OF THE COMMODITY FUTURES
TRADING COMMISSION
THE CHAIRMAN OF THE FEDERAL ENERGY
REGULATORY COMMISSION

THE WHITE HOUSE

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January 28, 1992

RECEIVED
DEPARTMENT OF JUSTICE

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EXECUTIVE SECRETARIAT

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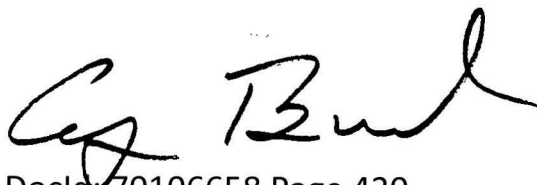
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DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: NIXON, RICHARD, FORMER PRESIDENT OF THE U.S., NJ
To: AG. ODD: NONE
Date Received: 01-06-92 Date Due: NONE Control #: X92010700190
Subject & Date
01-02-92 LETTER ENCLOSING A COPY OF HIS RECENT BOOK
ENTITLED, "SEIZE THE MOMENT: AMERICA'S CHALLENGE IN A
ONE-SUPERPOWER WORLD," DEALING WITH FOREIGN AND DOMESTIC
ISSUES.

	Referred To:	Date:		Referred To:	Date:	
(1)	OAG;	01-07-92	(5)			W/IN:
(2)			(6)			
(3)			(7)			PRTY:
(4)			(8)			1P
	INTERIM BY:			DATE:		OPR:
	Sig. For: AG.			Date Released:		MAU

Remarks

(1) TO OAG FOR ACTION, WITH ENCLOSURE.

Other Remarks:

OLA CONTACT:

FILE: PRESIDENTIAL CORRESPONDENCE/FORMER PRESIDENTS

CROSS REFERENCES:

1. PRINTED MATERIALS/Books

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

2
January 92

RICHARD NIXON

RECEIVED
DEPARTMENT OF JUSTICE

January 2, 1991

'92 JAN -6 P4:31

EXECUTIVE SECRETARIAT

577 CHESTNUT RIDGE ROAD
WOODCLIFF LAKE, NEW JERSEY

Dear Mr. Attorney General,

I thought you might be interested in seeing
some unconventional wisdom on foreign and domestic
issues.

Best wishes for the New Year,

Sincerely,



Honorable William Barr

SEIZURE MOVEMENT



AMERICA'S CHALLENGE IN
A ONE-SUPERPOWER WORLD

RICHARD NIXON

SEVENTH MOVEMENT



**AMERICA'S CHALLENGE IN
A ONE-SUPERPOWER WORLD**

RICHARD

SEIZE THE MOMENT

America's Challenge
in a
One-Superpower World

RICHARD NIXON

SIMON & SCHUSTER
NEW YORK LONDON TORONTO
SYDNEY TOKYO SINGAPORE

CONTENTS

- 1 • THE REAL WORLD, 13
- 2 • THE FORMER EVIL EMPIRE, 41
- 3 • THE COMMON TRANSATLANTIC HOME, 112
- 4 • THE PACIFIC TRIANGLE, 147
- 5 • THE MUSLIM WORLD, 194
- 6 • THE SOUTHERN HEMISPHERE, 232
- 7 • THE RENEWAL OF AMERICA, 272

AUTHOR'S NOTE, 307

INDEX, 310

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., ACTING AAG, OJP
To: AG. ODD: NONE
Date Received: 11-23-92 Date Due: NONE Control #: X92112416940
Subject & Date
11-20-92 MEMO ATTACHING A COPY OF A BUREAU OF JUSTICE
STATISTICS NEWS STORY THAT IS SCHEDULED FOR RELEASE ON
NOVEMBER 29, 1992, REGARDING PRETRIAL RELEASE OF FELONY
DEFENDANTS. ADVISES THAT A COPY OF THE RELEASE HAS BEEN
TRANSMITTED TO PAO FOR REVIEW. A COPY HAS ALSO BEEN SENT
TO OLS.

	Referred To:	Date:		Referred To:	Date:	
(1)	OAG;	11-24-92	(5)			W/IN:
(2)			(6)			PRTY:
(3)			(7)			1
(4)			(8)			OPR:
	INTERIM BY:			DATE:		MAU
	Sig. For:	NONE		Date Released:		

Remarks
CC INDICATED FOR OLS.
INFO CC: DAG, OPC.
(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:

FILE: PRESS RELEASES/NON-PAO
CROSS REFERENCES:
1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

20 NOVEMBER 92

- o Among the defendants who were not released before trial (35 percent), five out of six could not post bail, and one in six was held without bail.

- o For defendants with a set bail, the likelihood of pretrial release decreased as the amount of bail increased. Two-thirds of those with a bail of less than \$2,500 were released, compared to a third of defendants with bail set at \$10,000 or more.

- o Among defendants with bail set at \$10,000 or more, those facing drug-related charges were the most likely to secure release.

- o Defendants with an active criminal justice status or an extensive criminal record were less likely to be released before trial. While about half of those with one or more prior convictions were released, about four-fifths of those with no prior convictions were released.

- o Of those released after being charged with a violent offense, 19 percent failed to appear in court.

- o Among released defendants, the likelihood of rearrest was highest among those charged with property and drug offenses and among males, blacks, younger defendants, and those with the longest and most serious prior criminal histories. Thirty-two percent of the defendants with five or more prior convictions were rearrested while on pretrial release, compared to 13 percent of those with no prior convictions.

- o A bench warrant to arrest a released defendant for failure to appear in court occurred most frequently for the following categories of released defendants: those charged with property or drug offenses, those who were released on unsecured bond or as the result of an emergency measure to reduce jail crowding, and those with prior records of failure to appear.

- o In processing felony defendants, a clear priority was given to those detained in jail. Among defendants who were not released, half spent 37 days or less in jail pending the disposition of their cases, compared to a median of 125 days for released defendants.

- o Within one year of case filing, 81 percent of released defendants and 96 percent of detained defendants had been adjudicated on their original felony arrest charge. Detained defendants were about three times as likely as were released defendants to be convicted and sentenced to a state prison.

o. There is some evidence of a decline in the granting of pretrial releases to felony drug defendants. During 1988, the 75 largest counties released about 72 percent of such defendants, compared to 65 percent during 1990. Compared to 1988, defendants charged with violent or property offenses in 1990 were slightly more likely to secure release before trial.

In 1990 the 75 largest counties held 37 percent of the national population and had almost 50 percent of the crimes reported to police.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Acting Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY, NOVEMBER 29, 1992

BJS
202-307-0784

MOST FELONY DEFENDANTS RELEASED BEFORE TRIAL

WASHINGTON, D.C. -- An estimated 65 percent of the men and women arrested on felony charges in the nation's 75 largest counties during May 1990 were released from custody before their trial or final case disposition, according to a Bureau of Justice Statistics (BJS) report published today. BJS, a Department of Justice component in the Office of Justice Programs, said the remainder were detained in jail until their case disposition.

"Perhaps the most significant study findings were that among felony defendants granted pretrial release, 24 percent failed to appear for a scheduled court hearing, and 18 percent were rearrested while on release," said BJS Director Steven D. Dillingham. "Almost two-thirds of the rearrests were for new felony offenses and about one-half of those rearrested for a felony were again released from custody."

BJS' National Pretrial Reporting Program (NPRP) collected the data from a sample of state court felony case filings. Each case was tracked for at least one year following the filing of charges or through disposition and sentencing if final judgment occurred in less than one year. Other significant findings include:

-MORE-

--About 6 percent of all felony defendants were held in custody without bail. About a third of those charged with murder were denied bail.

--Approximately 60 percent of the pretrial releases did not require the defendant to post bond. The most frequent type of discharge from custody after arrest, granted to 26 percent of felony defendants, was release on recognizance in which the defendant signs an agreement to appear in court as scheduled.

--For defendants for whom bail was set, the more serious the felony charge, the higher the bond. Nearly two-thirds of murder defendants and nearly half of rape defendants had bonds set at \$20,000 or more.

--Among the defendants who were not released before trial (35 percent), five out of six could not post bail, and one in six was held without bail.

--For defendants with a set bail, the likelihood of pretrial release decreased as the amount of bail increased. Two-thirds of those with a bail of less than \$2,500 were released, compared to a third of defendants with bail set at \$10,000 or more.

--Among defendants with bail set at \$10,000 or more, those facing drug-related charges were the most likely to secure release.

--Defendants with an active criminal justice status or an extensive criminal record were less likely to be released before trial. While about half of those with two or more prior

-MORE-

convictions were released, about four-fifths of those with no prior convictions were released.

--Of those released after being charged with a violent offense, 19 percent failed to appear in court.

--Among released defendants, the likelihood of rearrest was highest among those charged with property and drug offenses and among males, blacks, younger defendants, and those with the longest and most serious prior criminal histories. Thirty-two percent of the defendants with five or more prior convictions were rearrested while on pretrial release, compared to 13 percent of those with no prior convictions.

--A bench warrant to arrest a released defendant for failure to appear in court occurred most frequently for the following categories of released defendants: those charged with property or drug offenses, those who were released on unsecured bond or as the result of an emergency measure to reduce jail crowding, and those with prior records of failure to appear.

--In processing felony defendants, a clear priority was given to those detained in jail. Among defendants who were not released, half spent 37 days or less in jail pending the disposition of their cases, compared to a median of 125 days for released defendants.

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-MORE-

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--There is some evidence of a decline in the granting of pretrial releases to felony drug defendants. During 1988, the 75 largest counties released about 72 percent of such defendants, compared to 65 percent during 1990. Compared to 1988, defendants charged with violent or property offenses in 1990 were slightly more likely to secure release before trial.

In 1990 the 75 largest counties held 37 percent of the national population and had almost 50 percent of the crimes reported to police.

Single copies of the BJS special report, "Pretrial Release of Felony Defendants, 1990" (NCJ-139560) and other BJS information and publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-301-251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784. For additional information and statistics on drugs and crime issues contact BJS's Drugs & Crime Data Center & Clearinghouse on 1-800-666-3332.

#

93-9 (H)

After hours contact: Stu Smith 301-983-9354

FOIA # 60048 (URTS 16455) DocId: 70106662 Page 7

NARA-18-1003-A-004755



Bureau of Justice Statistics Bulletin

National Pretrial Reporting Program

Pretrial Release of Felony Defendants, 1990

By Brian A. Reaves, Ph.D.
BJS Statistician

An estimated 65% of the defendants who had felony charges filed against them in the Nation's 75 most populous counties during May 1990 were released prior to the disposition of their case. Approximately 1 in 4 released defendants had a bench warrant issued for their arrest because they did not appear in court as scheduled. A third of these defendants, representing 8% of all felony defendants, were still fugitives after 1 year.

These findings are drawn from a sample of felony cases filed in State courts during May 1990. The cases were followed for up to one year as part of the National Pretrial Reporting Program (NPRP) of the Bureau of Justice Statistics.

Other findings include the following:

- Among the 35% of defendants who were not released, 5 out of 6 could not post the required bail amount, and 1 in 6 were held without bail. Defendants held without bail comprised 6% of all felony defendants.
- When bail was set, the higher the amount, the less likely that the defendant secured pretrial release. Defendants with bail set at under \$2,500 were released over twice as often as those with bail set at \$20,000 or higher (69% versus 28%).
- Among defendants with a bail set, those charged with a violent offense (21%) were

November 1992

This Bulletin, reporting on the second survey of the National Pretrial Reporting Program, provides valuable insights into how the criminal justice system responds to the need to preserve public safety while recognizing the rights of accused defendants. In making the decision to release or detain an alleged felon before trial, State courts are clearly taking into account the gravity of the charged offense and the extent of the defendant's criminal record. These data enable analysts to examine the outcomes of these decisions across the course of 12 months.

I extend my sincere appreciation to the 39 counties participating in this statistical program. Without their assistance, this report could not have produced the findings that have import for the whole Nation.

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twice as likely to have a bail of \$20,000 or more as other defendants. Nearly two-thirds of murder defendants with a bail set had a bail of \$20,000 or more.

- At bail amounts of \$10,000 or more, about 40% of defendants charged with a drug offense secured release, compared with about 30% of other defendants.

- Among defendants who were already on pretrial release when arrested on the current felony charges, about two-thirds were released again. About half of those who were on probation at the time of arrest and a third of those on parole were released.

- About half of the defendants with one or more prior felony convictions were granted pretrial release, compared with two-thirds of those who had only misdemeanor convictions, and four-fifths of those with no prior conviction record.

- Among defendants who were released prior to disposition of their case, 54% were released within 1 day of arrest, 80% within a week of arrest, and 93% within a month of arrest.

- Released property defendants (28%) and drug defendants (26%) failed to appear in court as scheduled about twice as often as public-order defendants (13%). The failure-to-appear rate for released defendants charged with a violent offense was 19%.

- Among released defendants who had failed to appear in court at least once on a previous charge, 39% had a bench warrant issued because they failed to appear during the current case. This was twice the failure-to-appear rate for other released defendants.

Table 1. Felony defendants released before or detained until case disposition, by type of release and the most serious arrest charge, 1990

		Felony defendants in the 75 largest counties											Percent of defendants detained until case disposition		
		Percent of defendants released before case disposition													
		Financial release						Nonfinancial release							
Most serious arrest charge	Number of defendants	Total released	Total	Surety bond	Full cash bond	Deposit bond	Other	Total	Recognizance*	Conditional	Unsecured bond	Emergency release	Total detained	Held on bail	Held without bail
All offenses	53,664	65%	25%	15%	7%	3%	1%	39%	26%	8%	5%	1%	35%	28%	6%
Violent offenses	13,777	63%	25%	13%	8%	3%	1%	38%	28%	7%	3%	--	37%	29%	8%
Murder	652	37	27	16	8	1	1	10	7	3	0	0	63	29	34
Rape	771	54	27	11	8	6	3	27	21	5	0	0	46	41	5
Robbery	4,607	51	15	6	7	2	--	36	29	3	4	0	49	39	10
Assault	6,232	75	29	17	8	4	1	45	33	10	2	--	25	21	5
Other	1,514	65	33	18	11	3	2	31	19	8	4	--	35	27	9
Property offenses	17,956	67%	21%	14%	5%	2%	--	45%	28%	11%	6%	1%	33%	27%	6%
Burglary	5,418	56	15	9	4	2	--	39	24	9	6	2	44	37	8
Theft	7,577	67	23	16	5	2	1	43	27	12	4	1	33	27	6
Other	4,961	78	24	16	5	2	--	53	32	12	9	1	22	18	4
Drug offenses	17,849	65%	28%	18%	7%	3%	1%	35%	23%	6%	6%	1%	35%	30%	5%
Sale/trafficking	10,047	61	33	22	7	4	1	27	17	7	3	1	39	33	5
Other	7,801	70	21	12	7	2	--	46	30	6	10	3	30	26	5
Public-order offenses	4,083	69%	34%	20%	10%	3%	--	34%	23%	8%	3%	1%	31%	24%	6%
Driving-related	1,255	72	41	32	8	1	1	31	22	7	1	0	28	24	5
Other	2,829	68	31	15	11	4	--	36	24	8	4	1	32	25	7

Note: Data on specific detention/release outcomes were available for 95% of all cases. Detail may not add to total because of rounding.

*Released on own recognizance.

--Less than 0.5%.

- About 18% of released defendants were rearrested while on pretrial release. Released defendants with at least 1 prior felony conviction (28%) were about twice as likely to be rearrested as those with no prior convictions (13%).

- The median number of days from arrest to case disposition was 125 days for released defendants, compared to 37 days for defendants detained until case disposition.

- Defendants who were detained until case disposition were nearly 3 times as likely to eventually be convicted and sentenced to State prison as those who were released (39% versus 14%).

National Pretrial Reporting Program

The Bureau of Justice Statistics (BJS) initiated the biennial National Pretrial Reporting Program (NPRP) in February 1988 to collect detailed criminal history, pretrial processing, adjudication, and sentencing information on felony defendants in State courts in large urban counties. The NPRP data do not include Federal defendants.

The 1990 NPRP collected data for approximately 14,000 felony cases filed in 39 counties during May 1990. These cases were part of 2-stage sample that was representative of the 57,000 felony cases filed in the nation's 75 most populous counties during that month.¹ Cases were tracked for up to 1 year.

Types of pretrial release

Nonfinancial release

Among the 65% of felony defendants in the 75 largest counties who were granted release prior to case disposition, about 3 in 5 were released on nonfinancial terms that required no posting of bail (table 1). (In this report, "pretrial release" and "released prior to case disposition" are used interchangeably. See *Methodology* on pages 13 and 14 for definitions.)

About two-thirds of all nonfinancial releases involved the release of a defendant on his or her own recognizance. Generally, the only condition placed on the defendant under this type of release is a

¹In 1990, the 75 largest counties accounted for about 37% of the Nation's population and nearly 50% of all crimes reported to law enforcement agencies.

written agreement to appear in court as scheduled. The recognizance release category used in this report refers to a decision made by the court in nearly all cases; however, about 4% of the releases included under this heading are citation releases made by law enforcement personnel.

Release on recognizance, granted to 26% of all defendants and 40% of all released defendants, was the single most common type of pretrial release; however, 5 of the 39 counties included in the NPRP survey did not use this type of release for any felony defendants, and 9 others used it for less than 10% of all pretrial releases involving felony defendants.

The second most common type of nonfinancial release, conditional release, was used in 8% of the NPRP cases. About 1 in 5 nonfinancial releases (1 in 8 releases overall) involved this type of release. Of the 39 counties included in the 1990 NPRP survey, 30 reported the use of conditional release for felony defendants, and 15 of them used it for more than 10% of all defendants who were granted pretrial release.

About 82% of all conditional releases included an agreement by the defendant to maintain regular contact with a pretrial program through telephone calls or personal visits. The remainder of conditional releases involved regular drug monitoring and/or treatment or a third party custody agreement.

Most defendants placed on conditional release were supervised by a pretrial release program. Such programs, which also interview arrestees and provide information to judicial officers, were operating in 37 of the 39 NPRP counties during 1990.

Approximately 1 in 13 releases (1 in 8 nonfinancial releases) were on unsecured bond. Although this type of release does not require financial payment, it does specify a bail amount to be forfeited if the defendant does not appear in court as scheduled. Eleven of the 39 NPRP counties reported the use of unsecured bond for felony defendants, but 5 of them accounted for nearly all of the releases on unsecured bond that occurred in the NPRP jurisdictions.

Financial release

Overall, about 2 in 5 defendants released prior to case disposition obtained release through financial terms involving the posting of a surety, full cash, or deposit bond. Deposit and full cash bonds require payment directly to the court, while surety bonds involve the services of a bail bondsman.

Release on surety bond, the most common type of financial release for felony defendants, was used in three-fifths of all financial releases, and about a fourth of all pretrial releases. Surety bond was used in 31 of the 39 NPRP counties surveyed, although it was used in less than 10% of all pretrial releases in 7 of these counties.

About 1 in 10 pretrial releases of felony defendants, including 1 in 4 financial releases, were on full cash bond. Full cash bond was used in all but four of the NPRP counties.

Deposit bond was used to secure release for about 1 in 24 released defendants, including 1 in 9 defendants placed on financial release. Deposit bond was used for the release of felony defendants in 13 of the NPRP counties. In seven of these counties, more than 10% of all pretrial releases were on deposit bond.

Emergency release

Overall, about 1% of felony defendants were released as part of an emergency release ordered because of jail crowding. Generally, these emergency releases did not involve the use of any of the financial or nonfinancial release conditions described above. Emergency releases occurred in 4 of the 39 NPRP counties, with 1 county accounting for three-fourths of all emergency releases.

Factors affecting probability of pretrial release

Overall, 35% of the felony defendants included in the NPRP sample were detained until the court disposed of their case. Most of these detainees (82%) had a bail amount set but were unable to post the money required to secure release. The remainder, representing 18% of detained defendants and 6% of all defendants, were ordered held without bail.

While denial of bail offers the court an absolute assurance that a defendant will not be released prior to case disposition, the NPRP data also show that when a bail amount is set, the higher it is, the lower the probability of release. When bail was set at \$20,000 or more, the defendant was eventually released in 28% of the cases (table 2). Among cases where the bail amount was set in the \$10,000 to \$19,999 range, 39% of the defendants secured release, and when bail was set in the \$5,000 to \$9,999 range, 55% of the defendants secured release. When bail was set under \$2,500, 69% of the defendants obtained release prior to case disposition.

The effect of bail amount on the likelihood of a defendant's being released varied according to the type of arrest charge. When the bail amount was set at \$20,000 or more, drug defendants (34%) secured release more often than defendants charged with a violent offense (26%),

Table 2. Felony defendants released before or detained until case disposition, by bail amount set and the most serious arrest charge, 1990

		Percent of felony defendants in the 75 counties with a bail amount set		
Bail amount set and the most serious arrest charge	Number of defendants	Total	Released before case disposition	Detained until case disposition
\$20,000 or more				
All offenses	5,191	100%	28%	72%
Violent offenses	2,005	100	26	74
Property offenses	1,045	100	21	79
Drug offenses	1,751	100	34	66
Public-order offenses	390	100	25	75
\$10,000 to \$19,999				
All offenses	5,015	100%	39%	61%
Violent offenses	1,554	100	34	66
Property offenses	1,400	100	30	70
Drug offenses	1,821	100	50	50
Public-order offenses	240	100	39	61
\$2,500 to \$9,999				
All offenses	10,068	100%	55%	45%
Violent offenses	1,979	100	60	40
Property offenses	3,284	100	49	51
Drug offenses	3,990	100	57	43
Public-order offenses	815	100	61	39
Under \$2,500				
All offenses	11,178	100%	69%	31%
Violent offenses	2,116	100	73	27
Property offenses	4,106	100	69	31
Drug offenses	3,925	100	63	37
Public-order offenses	1,030	100	82	18

Note: Data on both bail amount set and detention/release outcome were available for 92% of all cases. Table includes only defendants for whom a bail amount was set.

public-order offense (25%), or property offense (21%). This pattern was also found among defendants with bail set in the \$10,000 to \$19,999 range. In such cases, half of drug defendants secured release compared with about a third of other defendants. When bail was set at \$2,500 or more, defendants charged with a property offense were less likely to secure release than other defendants.

Courts' decisions about bail are primarily based on the probability that the accused will subsequently appear in court as scheduled. In most States as well as in the Federal courts, the potential danger that a defendant may pose to the community is also considered. Many jurisdictions have established additional criteria that must be considered when setting bail. Examples of such criteria are personal character and mental condition, employment and financial resources, family and community ties, offense seriousness, criminal justice status at the time of arrest, prior court appearance record, prior criminal record, the weight of the evidence against the defendant, and the sentence which may be imposed upon conviction.

While the NPRP survey does not provide data on all of these factors, it does provide information on the seriousness of the current offense, criminal justice status at the time of arrest, prior criminal record, and prior court appearance record. The NPRP data illustrate how the bail system is used in conjunction with these factors to affect the probability of release.

Seriousness of offense

The NPRP data indicate that defendants charged with murder were the least likely of all felony defendants to be granted pretrial release (table 1). Murder defendants (37%) were released about half as often as defendants charged with driving-related offenses (72%) or aggravated assault (75%). Defendants charged with murder also had a lower release rate than those charged with robbery (51%), rape (54%), burglary (56%), or drug sales (61%).

Murder defendants had the lowest release rate mainly because they were the most likely to be denied bail or to have bail set at a high amount. About 34% of murder

defendants were denied bail, compared to 10% or less for defendants charged with another offense. Murder defendants who were not denied bail were likely to have bail set at a high amount. Nearly two-thirds of murder defendants with a bail amount set had it set at \$20,000 or higher (table 3).

Defendants charged with rape (45%) and robbery (28%) were the next most likely to have bail set at \$20,000 or more. Overall, defendants whose most serious arrest charge involved a violent offense were about twice as likely as other defendants to have a bail of \$20,000 or more.

Among defendants who were held on bail, the median bail amount that had been set was \$7,500 (table 4). This amount was considerably higher for detained defendants charged with murder (\$50,000) or rape (\$20,000). Released defendants had a median bail amount of \$3,000, with a higher median bail amount (\$10,000) for released defendants charged with murder or rape.

Table 3. Bail amount set, by the most serious arrest charge, 1990

Most serious arrest charge	Number of defendants	Total	Percent of felony defendants in the 75 largest counties with a bail amount of:			
			Under \$2,500	\$2,500-\$9,999	\$10,000-\$19,999	\$20,000 or more
All offenses	31,514	100%	36%	32%	16%	16%
Violent offenses	7,654	100%	28%	26%	20%	26%
Murder	351	100	7	12	17	64
Rape	524	100	16	16	23	45
Robbery	2,638	100	24	26	22	28
Assault	3,199	100	35	30	19	17
Other	943	100	27	23	20	30
Property offenses	9,865	100%	42%	33%	14%	11%
Burglary	3,137	100	31	34	20	16
Theft	4,168	100	44	34	13	8
Other	2,559	100	51	30	10	8
Drug offenses	11,515	100%	34%	35%	16%	15%
Sale/trafficking	7,028	100	32	32	19	18
Other	4,487	100	38	39	11	11
Public-order offenses	2,480	100%	42%	33%	10%	16%
Driving-related	825	100	39	35	9	16
Other	1,655	100	43	32	10	15

Note: Table includes only defendants for whom a bail amount was set. Detail may not add to total because of rounding.

Table 4. Median bail amount set for felony defendants, by detention/release outcome, and the most serious arrest charge, 1990

Most serious arrest charge	Median bail amount for felony defendants	
	Released	Detained
All offenses	\$3,000	\$7,500
Violent offenses	\$5,000	\$10,000
Murder	10,000	50,000
Rape	10,000	20,000
Robbery	5,000	10,000
Assault	3,000	10,000
Other	5,000	15,000
Property offenses	\$2,500	\$5,000
Burglary	3,000	7,500
Theft	2,500	5,000
Other	2,500	5,000
Drug offenses	\$5,000	\$5,000
Sales/trafficking	3,500	8,500
Other	5,000	5,000
Public-order offenses	\$2,500	\$7,500
Driving-related	2,500	10,000
Other	2,000	5,500

Note: Table includes only defendants for whom a bail amount was set.

Criminal justice status

The NPRP data indicate that a defendant's criminal justice status at the time of arrest is also related to the probability of pretrial release. Among felony defendants who had no active criminal justice status at the time of arrest, 72% were released before case disposition, (table 5). In contrast, 33% of defendants on parole and about 51% of defendants on probation at the time of the current arrest were granted pretrial release. Among defendants who were already on pretrial release for a pending case when arrested, 66% were released pending disposition of the current charge.

Defendants on parole at the time of arrest were the most likely to be denied bail; this occurred in 30% of such cases. This was a much higher percentage than for defendants on probation (9%), on pretrial release for a previous case (5%), or with no criminal justice status at the time of arrest (4%).

Court appearance history

A defendant's court appearance history is also likely to be considered by the court when setting bail and the terms of release for the current felony charge. About two-thirds of the defendants included in the NPRP study had previously been arrested and required to appear in court. Among defendants who made all scheduled court appearances related to prior arrests, 64% were released prior to disposition of the current case (table 6). The probability of release was somewhat lower for defendants who had failed to appear in court once previously (57%), and lowest for defendants who had failed to appear more than once on prior criminal charges (52%).

Prior conviction record

Defendants with a prior conviction record were also less likely to be released. The lowest probability of release was found for defendants with multiple prior convictions or with a felony conviction record; about

50% of such defendants were released prior to case disposition (table 7). Defendants who had a single prior conviction or only misdemeanor convictions were able to obtain release about 66% of the time. The release rate for defendants with no prior convictions was 79%.

Defendants who had a prior felony conviction were the most likely to be denied bail. About 12% of these defendants were held without bail, compared to 3% for other defendants.

Table 5. Felony defendants released before or detained until case disposition, by criminal justice status at the time of arrest, 1990

Criminal justice status at time of arrest	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Released			Detained		
			Total	Financial	Non-financial	Total	Held on bail	Held without bail
On parole	2,596	100%	33%	15%	18%	67%	37%	30%
On probation	6,525	100%	49	23	26	51	43	9
On pretrial release	4,554	100%	66	30	36	34	29	5
None	25,563	100%	72	32	40	28	24	4

Note: Data on both criminal justice status at time of arrest and specific detention/release outcome were available for 72% of all cases. Defendants who had more than 1 type of criminal justice status at the time of arrest are not included in the table. Detail may not add to total because of rounding.

Table 6. Felony defendants released before or detained until case disposition, by court appearance history, 1990

Court appearance history	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Released			Detained		
			Total	Financial	Non-financial	Total	Held on bail	Held without bail
With prior arrests								
Failed to appear more than once	6,799	100%	52%	18%	34%	48%	38%	10%
Failed to appear once	7,223	100	57	21	36	43	37	6
Made all court appearances	16,012	100	64	27	37	36	29	7
No prior arrests	14,698	100	81	31	50	19	16	3

Note: Data on court appearance history and specific detention/release outcome were available for 79% of all cases. Detail may not add to total because of rounding.

Table 7. Felony defendants released before or detained until case disposition, by prior conviction record, 1990

Prior conviction record	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Released			Detained		
			Total	Financial	Non-financial	Total	Held on bail	Held without bail
Number of prior convictions								
5 or more	9,841	100%	46%	18%	28%	54%	43%	11%
2-4	10,354	100	54	24	29	46	37	9
1	6,531	100	66	31	35	34	29	5
None	22,895	100	79	29	50	21	18	3
Most serious prior convictions								
Violent felony	6,416	100%	48%	18%	30%	52%	38%	14%
Nonviolent felony	11,682	100	49	22	26	51	40	11
Misdemeanor	8,739	100	65	30	35	35	32	3
None	22,895	100	79	29	50	21	18	3

Note: Data on both prior convictions and specific detention/release outcome were available for 88% of all cases. Number of convictions refers to charges. Detail may not add to total because of rounding.

Time from arrest to pretrial release

A majority (54%) of all pretrial releases occurred either on the day of arrest or on the following day, and over 90% occurred

within 1 month of arrest (table 8). The amount of time from arrest to release was related to the type of release conditions imposed, the bail amount set (if any), and to the type of arrest charge.

Table 8. Time from arrest to release for felony defendants released before case disposition, by type of release and the most serious arrest charge, 1990

Type of release and the most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties released before case disposition within:		
		1 day	1 week	1 month
All released defendants	34,663	54%	80%	93%
Type of release				
Recognizance	13,692	52%	82%	94%
Surety bond	8,147	50	76	91
Conditional	4,361	72	82	94
Full cash bond	3,403	34	70	87
Unsecured bond	2,748	76	90	97
Deposit bond	1,487	49	75	94
Emergency	536	42	83	92
Bail amount set*				
\$20,000 or more	995	32%	59%	85%
\$10,000-\$19,999	1,495	41	71	90
Under \$10,000	10,441	48	76	91
Most serious arrest charge				
Violent offenses	8,653	50%	77%	92%
Property offenses	12,048	60	82	94
Drug offenses	11,518	50	79	92
Public-order offenses	2,819	56	81	92

Note: Data on time from arrest to pretrial release were available for 99% of all cases involving a defendant who was released prior to case disposition. Release data were collected for 1 year. Defendants released after the study period are excluded from the table.

*Includes defendants released on surety, full cash, or deposit bond.

Table 9. Number of prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1990

Detention/release outcome and the most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Total with		Number of prior convictions*			
			No prior convictions	Prior convictions	10 or more	5-9	2-4	1
Released defendants								
All offenses	33,085	100%	56%	44%	5%	9%	17%	13%
Violent offenses	8,452	26	15	11	1	2	4	4
Property offenses	11,481	35	20	15	2	3	5	4
Drug offenses	10,474	32	17	15	1	3	6	5
Public-order offenses	2,678	8	4	4	--	1	2	1
Detained defendants								
All offenses	18,348	100%	29%	71%	11%	20%	27%	13%
Violent offenses	4,933	27	9	18	2	5	7	4
Property offenses	6,143	33	10	24	4	7	8	4
Drug offenses	6,027	33	9	24	4	6	10	4
Public-order offenses	1,245	7	1	6	1	2	2	1

Note: Data on both number of prior convictions and detention/release outcome were available for 91% of all cases. Detail may not add to total because of rounding.

--Less than 0.5%.

*Number of convictions refers to charges.

About three-fourths of defendants released on unsecured bond or on conditional release were discharged on the day of arrest or on the following day, compared with a third of those who were eventually released by posting a full cash bond. About half of those released on surety bond, deposit bond, or on their own recognizance were released within a day of their arrest.

When bail was involved and the defendant was required to post money to secure release (surety, cash or deposit bond), the time from arrest to pretrial release increased as the bail amount did. When the bail amount was set at \$20,000 or more, about 1 in 3 defendants secured release within a day. About 1 in 2 did so when the bail amount was under \$10,000.

A slight variation in time from arrest to release was found when examined by most serious arrest charge, with defendants charged with violent or drug offenses somewhat less likely to be released on the day of arrest or the following day than other defendants.

Released versus detained defendants

Twice as many of the defendants detained until disposition of their case (56%) had a prior conviction record as those who were released (28%) (table 9). Among released defendants, 31% had more than 1 prior conviction, and 5% had 10 or more. Among detained defendants, 58% had more than 1 prior conviction, and 11% had 10 or more.

About half of detained defendants had at least 1 prior felony conviction, compared with about a fourth of the defendants who

received pretrial release (table 10). About 1 in 5 detained defendants had at least 1 prior conviction for a violent felony,

compared to 1 in 10 released defendants. About 7% of detained defendants were under a current charge for a violent felony and had at least one prior conviction for a violent felony. About 3% of released defendants had these two characteristics.

Table 10. Most serious prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1990

Detention/release outcome and the most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total with			The most serious prior conviction			
		Total	No prior convictions	Prior convictions	Felony			Misdemeanor
					Total	Violent	Nonviolent	
Released defendants								
All offenses	33,155	100%	56%	44%	27%	10%	18%	17%
Violent offenses	8,472	26	15	11	6	3	3	5
Property offenses	11,509	35	20	15	10	3	6	5
Drug offenses	10,496	32	17	15	9	2	7	6
Public-order offenses	2,678	8	4	4	2	1	1	2
Detained defendants								
All offenses	18,390	100%	29%	71%	53%	19%	34%	18%
Violent offenses	4,946	27	9	18	13	7	6	5
Property offenses	6,151	33	10	24	18	5	13	6
Drug offenses	6,048	33	9	24	18	6	12	6
Public-order offenses	1,245	7	1	6	4	2	3	2

Note: Data on most serious prior conviction and detention/release outcome were available for 88% of all cases. Detail may not add to total because of rounding.

Table 11. Characteristics of defendants released before case disposition, by type of release, 1990

Characteristic	Percent of felony defendants who were released before case disposition in the 75 largest counties						
	Financial release			Nonfinancial release			
	Surety bond	Full cash bond	Deposit bond	Recognizance	Conditional	Unsecured bond	Emergency
Most serious arrest charge							
Violent offenses	22%	30%	29%	28%	22%	14%	1%
Property offenses	30	23	26	36	45	40	44
Drug offenses	38	35	36	29	26	42	48
Public-order offenses	10	12	9	7	8	5	7
Sex							
Male	82%	89%	87%	83%	79%	86%	88%
Female	18	11	13	17	21	14	12
Race							
Black	42%	49%	64%	55%	50%	71%	86%
White	57	46	36	43	47	28	14
Other	2	5	0	1	3	1	0
Age							
Under 21	18%	25%	23%	26%	23%	24%	26%
21-34	56	55	55	55	55	58	57
35 or older	25	19	22	19	22	19	17
Most serious prior conviction							
Felony	27%	32%	35%	25%	25%	29%	22%
Misdemeanor	23	18	10	16	15	13	10
None	50	50	55	58	60	58	68
Court appearance history							
Failed to appear	22%	32%	22%	30%	12%	34%	10%
Made all appearances	36	37	38	32	41	22	31
Had no prior arrests	42	32	40	38	47	44	59

Note: Table is based on the following number of defendants in each release category: surety bond, 8,175; full cash bond, 3,596; deposit bond, 1,491; recognizance, 13,805; conditional, 4,373; unsecured bond, 2,774; and emergency, 544.

Defendant characteristics by type of release

A substantially smaller percentage of defendants released on surety bond were black (42%) than those released on deposit bond (64%) or unsecured bond (71%) (table 11). Defendants released on surety bond (18%) were also less likely to be under the age of 21 than were defendants released under other methods (25%).

Half of defendants released on surety bond or full cash bond had a prior conviction for either a misdemeanor or a felony, a higher proportion than for other types of release. However, the percentage of defendants with one or more prior *felony* convictions was higher among those released on deposit bond (35%) than those released on surety bond (27%). Defendants on emergency release were the least likely to have a prior conviction record, with about a third of them having at least one prior conviction.

Defendants released on unsecured bond (35%), full cash bond (32%) or on recognizance (30%) were the most likely to have previously had a bench warrant issued for failure to appear in court. About 22% of defendants released on surety or deposit bond had previously failed to make a scheduled court appearance. Defendants on conditional release (12%) or emergency release (10%) were the least likely to have missed a previous court appearance.

Failure to appear in court

One of the primary goals of any pretrial release decision is to ensure the defendant's subsequent appearance in court as scheduled. Among those felony defendants who were released prior to trial, 76% made all scheduled court appearances. A fugitive bench warrant was issued for the arrest of the remaining 24% because they had missed one or more court dates (table 12). Two-thirds of these defendants had been returned to the court by the end of the one-year study period, while a third of them remained fugitives.

The percentage of defendants who failed to appear varied according to the type of arrest charge and the type of release. Bench warrants for failure-to-appear were issued twice as often for released property defendants (26%) and drug defendants (28%) as for defendants charged with public-order offenses (13%). The failure-to-appear rate for defendants charged with a violent offense was 19%.

Male and female defendants had about the same failure-to-appear rate, while defendants age 35 or older had a slightly better court appearance record than younger defendants. About 3 in 10 black defendants had a bench warrant issued for missing a court date, compared with 2 in 10 white defendants.

A defendant's court appearance history was related to the probability of failing to appear on the current charges. For those who had missed 1 or more court dates in the past, the failure-to-appear rate on the current charges was 39%, about twice that of other defendants.

By type of release, defendants on emergency release (49%) were the most likely to have a bench warrant issued because they failed to appear for a court date within the 1-year study period (in 9 out of 10 such cases they were returned to the court). The next highest failure-to-appear rates were for defendants released on unsecured bond (36%) or their own recognizance (29%). Bench warrants for failure-to-appear were less likely to be issued for defendants released on deposit bond (19%), surety bond (14%), or conditional release (14%).

In cases where a defendant missed a court date and it resulted in the issuance of a bench warrant, the failure-to-appear occurred within 1 week of release in 12%.

of the cases, within 1 month of release in 38% of the cases, and within 3 months in 70% of the cases. For all defendants who had a bench warrant issued for their arrest because they failed to appear in court, the median time between pretrial release and the initial missed court date was 44 days.

Time from release to failure to appear	Percent of released defendants
1 week	12%
1 month	38
3 months	71
6 months	90
1 year	100
Median	44 days

Return of fugitive defendants to the court

Overall, about 8% of released felony defendants had failed to appear and were still fugitives at the end of the year-long study. The percentage of defendants who were fugitives at the end of the study was higher when the method of release was recognizance (11%) or unsecured bond (10%) than when it was conditional release (4%) or surety bond (3%).

About a third of the defendants for whom a bench warrant was issued were returned to the court within 1 month of their failure to appear, and about half had been returned

Table 12. Released felony defendants who failed to make a scheduled court appearance, by selected characteristics, 1990

Defendant characteristic	Number of defendants	Percent of felony defendants who were released and then failed to appear in court in the 75 largest counties*		
		Total	Returned	Fugitive
All released defendants	34,831	24%	16%	8%
Most serious arrest charge				
Violent offenses	8,606	19	12	6
Property offenses	11,990	28	19	9
Drug offenses	11,466	26	17	8
Public-order offenses	2,769	13	9	4
Sex				
Male	28,672	24%	16%	8%
Female	5,624	23	15	7
Race				
Black	16,399	29%	19%	10%
White	14,119	19	13	6
Other	599	11	6	5
Age				
Under 21	8,136	23%	15%	7%
21-24	6,241	25	17	8
25-29	7,239	26	18	8
30-34	5,612	24	17	8
35 or older	7,017	20	12	8
Court appearance history from prior arrests				
Failed to appear*	7,704	39%	29%	11%
Made all appearances	10,192	20	13	7
Had no prior arrests	11,776	17	10	7
Type of release				
Recognizance	13,543	29%	18%	11%
Surety bond	7,841	14	11%	3%
Conditional	4,297	14	10	4
Full cash bond	3,520	24	15	9
Unsecured bond	2,738	36	26	10
Deposit bond	1,451	19	10	8
Emergency	520	49	44	5

Note: Data on the court appearance record for the current case were available for 99% of cases involving a defendant released prior to case disposition. Detail may not add to total because of rounding.

*See *Methodology* for the definition of "failure to appear."

after 3 months. At the end of the 1-year study period, two-thirds of all defendants who had failed to appear had been returned to the court.² The remaining third were still fugitives.

Time from failure to appear to defendant's return to court	Percent of defendants who failed to appear
1 week	14%
1 month	32
3 months	52
6 months	62
1 year	67
Not returned	33%

Among those who failed to appear, the percentage of defendants who were still fugitives at the end of the study was highest for those who had been released on deposit bond (44%), recognizance (38%), and full cash bond (36%). Among defendants released on unsecured bond or conditional release, 28% of those who failed to appear were not returned to the court by the end of the study. Defendants for whom a bench warrant had been issued were least likely to remain a fugitive when they had been released on surety bond (18%) or emergency release (11%).

Type of pretrial release	Percent of fugitive defendants not returned within 1 year
All types	33%
Deposit bond	44%
Recognizance	38
Full cash bond	36
Conditional	28
Unsecured bond	28
Surety bond	18
Emergency	11

Rearrest of defendants on pretrial release

In addition to considering the likelihood that a released defendant may not return for scheduled court appearances, courts in

²Some defendants returned to the court voluntarily, and the bench warrant for their arrest was withdrawn.

most States may also assess the potential risk to the community if a defendant is granted pretrial release. Rearrest data collected during the 1-year study indicated that about 18% of released defendants were rearrested while on pretrial release (table 13).

Defendants in different age groups and those with different criminal backgrounds were rearrested at different rates. Defendants under age 21 had a significantly higher rearrest rate (22%) than defendants age 35 or older (14%). Public-order defendants, who were older on average

than other types of defendants, had the lowest rearrest rate (9%). This was about half the rearrest rate for released defendants whose most serious original arrest charge was a property offense (21%), drug offense (20%), or violent offense (16%).

Defendants with five or more prior convictions had a felony rearrest rate (32%) that was more than twice that of released defendants who had no prior convictions (13%). Among those arrested for a new felony following pretrial release, about half were rearrested for the same type of

Table 13. Released felony defendants who were rearrested while on pretrial release, by selected defendant characteristics, 1990

Defendant characteristic	Number of defendants	Percent of felony defendants released before case disposition in the 75 largest counties						
		Most serious felony rearrest charge						
		Total rearrested	Total felony	Violent offense	Property offense	Drug offense	Public-order offense	Misdemeanor
All released defendants	33,363	18%	11%	2%	4%	4%	1%	7%
Most serious original arrest charge								
Violent offenses	8,390	16%	8%	4%	2%	1%	1%	8%
Property offenses	11,525	21	13	3	8	2	1	8
Drug offenses	10,740	20	14	1	2	9	1	6
Public-order offenses	2,707	9	5	1	1	1	2	4
Sex								
Male	27,726	20%	12%	3%	4%	4%	1%	7%
Female	5,461	12	6	1	2	3	--	6
Race								
Black	15,681	23	15	4	5	5	1	8
White	13,868	14	8	1	3	3	1	6
Other	584	10	2	2	1	0	0	8
Age								
Under 21	7,899	22%	14%	4%	4%	4%	1%	8%
21-24	5,999	20	12	3	4	4	1	8
25-29	7,036	18	12	2	4	4	1	7
30-34	5,443	17	10	2	4	4	--	7
35 or older	6,828	14	8	1	3	3	1	6
Types of release								
Surety bond	7,608	13%	9%	2%	3%	3%	1%	4%
Full cash bond	3,509	21	13	3	3	6	1	8
Deposit bond	1,342	13	9	3	3	2	1	4
Unsecured bond	2,038	23	18	3	9	5	2	5
Recognizance	13,341	22	12	3	4	5	1	10
Conditional	4,243	11	7	1	3	2	1	4
Emergency	408	3	3	0	3	0	0	0
Number of prior convictions								
5 or more	4,464	32%	18%	4%	8%	5%	1%	14%
2-4	5,464	23	15	2	5	6	1	9
1	4,212	21	12	3	3	5	1	9
None	17,758	13	8	2	3	3	1	5
Most serious prior conviction								
Felony	8,640	28%	18%	3%	7%	6%	1%	11%
Misdemeanor	5,561	21	11	3	3	4	1	10
None	17,758	13	8	2	3	3	1	5

Note: Rearrest data were collected for 1 year. Rearrests occurring after the end of this study period are not included in the table. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Rearrest data were available for 94% of released defendants. Detail may not add to total because of rounding.
--Less than 0.05%.

offense as the original charge that preceded their release.

For rearrested defendants the median time from pretrial release to the commission of an alleged new offense was 49 days — ranging from 42 days for those released after being charged with a property offense to 58 days for those released after a charge for a drug offense (table 14).

About 13% of the charged offenses occurred within a week of pretrial release, and 39% occurred within 1 month. Released defendants who had been originally charged with a violent or property offense were more likely to be charged with a new offense within 1 week of release than other rearrested defendants.

About 60% of the released defendants who were rearrested were once again granted pretrial release. Re-release was more likely to occur if the rearrest offense was a misdemeanor (70%) than if it was a felony (54%). Re-release was least likely for those rearrested for a violent offense (45%).

Table 14. Time from pretrial release to alleged commission of a new offense, by the most serious original arrest charge, 1990

Most serious original arrest charge	Number of defendants	Median number of days	Percent of released and rearrested felony defendants in the 75 largest counties who committed a new offense within:			
			1 week	1 month	3 months	6 months
All offenses	4,556	49	13%	39%	69%	88%
Violent offenses	1,014	47	14	41	64	90
Property offenses	1,715	42	16	42	74	89
Drug offenses	1,649	58	9	34	67	85
Public-order offenses	179	46	7	37	68	98

Note: Data cover only those defendants rearrested within 1 year of a pretrial release. Data on time from pretrial release to rearrest were available for 96% of all cases involving a defendant who was rearrested while on pretrial release. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Detail may not add to total because of rounding.

Table 15. Time from arrest to adjudication, by whether released or detained and the most serious original arrest charge, 1990

Detention/release outcome and most serious original arrest charge	Number of defendants	Median number of days	Felony defendants in the 75 largest counties					Percent not adjudicated within 1 year
			Percent of cases adjudicated within:					
			1 week	1 month	3 months	6 months	1 year	
Released defendants								
All offenses	35,398	125	2%	15%	40%	63%	81%	19%
Violent offenses	8,764	131	2	15	39	61	81	19
Property offenses	12,152	116	2	16	42	66	82	18
Drug offenses	11,639	138	2	12	38	59	80	20
Public-order offenses	2,843	105	1	17	47	71	86	14
Detained defendants								
All offenses	19,628	37	12%	45%	73%	89%	96%	4%
Violent offenses	5,343	66	9	33	59	80	91	9
Property offenses	6,463	30	14	50	79	93	98	2
Drug offenses	6,512	35	14	47	78	91	98	2
Public-order offenses	1,309	30	9	50	79	91	98	2

Note: Data on time from arrest to adjudication were available for 97% of all adjudicated cases. Because of violation of the conditions of release (such as failure to appear in court or rearrest), 12% of the defendants who had been on pretrial release were in custody at the time of adjudication. These defendants are included under "released." The median for time from arrest to adjudication includes cases still pending at the end of the study. Knowing the exact times for these cases would not change the medians reported.

Rearrest offense	Percent of rearrested defendants who were re-released
Total	60%
Felony	54%
Violent	45
Property	60
Drug	53
Public-order	52
Misdemeanor	70%

Adjudication

The median time from the original felony arrest to adjudication of that charge was greater for released defendants (125 days) than for those who had remained in detention (37 days) (table 15). A month after arrest, detained defendants (45%) were 3 times as likely as released defendants (15%) to have been adjudicated on their felony arrest charges.

By the end of 1 year, 96% of the cases of detained defendants and 81% of the cases of released defendants had been adjudicated. Among detained defendants, those charged with a violent offense (91%) were less likely than other detained defendants (98%) to have their case adjudicated within a year of their arrest. This was especially true for detained murder defendants — about a third were still awaiting adjudication of their case at the end of 1 year.

Overall, a higher percentage of detained defendants (77%) than released defendants (56%) were convicted (table 16). The lowest conviction rate was for released defendants who were charged with a violent offense (42%). This was roughly half the conviction rate for detained property defendants (81%) and detained drug defendants (80%).

The felony conviction rate among detained defendants was 64%, compared to 41% of released defendants. Among released defendants, about half of those charged with a drug offense or a public-order offense were convicted of a felony, a higher percentage than for those charged with a property offense (40%) or a violent offense (28%). Across all four offense categories, more than half of the detained defendants were convicted of a felony, with detained drug defendants (69%) having the highest probability of a felony conviction.

Sentencing

Convicted defendants who had been detained until case disposition were twice as likely as released defendants to receive a State prison sentence (table 17). Upon conviction, 89% of detained defendants were sentenced to incarceration, with 50% receiving a prison sentence and 39% a jail term. About 59% of the released defendants who were convicted were sentenced to incarceration, with more receiving a jail sentence (35%) than a prison sentence (25%). In cases where they were convicted but not sentenced to incarceration, about 90% of both released and detained defendants received a probation sentence.

Among released defendants who were subsequently convicted, drug defendants had the highest probability of being sentenced to incarceration (66%), with 30% receiving a prison sentence. Among detained defendants, the probability of being sentenced to incarceration upon conviction did not vary significantly by offense type; however, detained defendants who had been charged with a violent offense and convicted were more likely to receive a prison sentence than other detained defendants (58% versus 48%).

Two-thirds of defendants who were detained until case disposition were

eventually convicted and sentenced to incarceration compared with a third of those who were released. Detained defendants were about 3 times as likely as released defendants to eventually be convicted and sentenced to State prison.

These differences can be attributed mainly to the fact that some of the factors that affect sentencing decisions, such as seriousness of offense and prior criminal record, are the same ones that affect the probability of pretrial release.

Table 16. Adjudication outcome for felony defendants, by whether released or detained and the most serious original felony arrest charge, 1990

Detention/release outcome and most serious original felony arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Convicted			Not convicted		
			Total convicted	Most serious conviction offense		Total not convicted	Dis-mitted/acquitted	Other nonconviction
				Felony	Misdemeanor			
Released defendants								
All offenses	27,896	100%	56%	41%	15%	44%	37%	7%
Violent offenses	6,927	100	42	28	14	58	54	4
Property offenses	9,644	100	58	40	18	42	33	9
Drug offenses	9,056	100	63	51	12	37	28	9
Public-order offenses	2,359	100	63	48	16	37	31	6
Detained defendants								
All offenses	18,397	100%	77%	64%	13%	23%	21%	2%
Violent offenses	4,714	100	69	58	11	31	29	2
Property offenses	6,198	100	81	64	16	19	18	2
Drug offenses	6,242	100	80	69	11	20	18	3
Public-order offenses	1,244	100	76	60	16	24	23	1

Note: Thirteen percent of all cases were still awaiting adjudication at the conclusion of the 1-year study period. Information on adjudication outcome was available for 97% of all cases that had reached the adjudication stage at the end of 1 year. Detail may not add to total because of rounding.

Table 17. Sentencing outcome for convicted defendants, by whether released or detained and the most serious original felony arrest charge, 1990

Detention/release outcome and the most serious felony arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Sentenced to incarceration			Not sentenced to incarceration		
			Total	Prison	Jail*	Total	Probation	Fine
Released defendants								
All offenses	14,374	100%	59%	25%	34%	41%	37%	4%
Violent offenses	2,543	100	60	24	36	40	36	4
Property offenses	5,199	100	54	21	33	46	43	3
Drug offenses	5,215	100	66	30	36	34	31	3
Public-order offenses	1,417	100	53	19	34	47	39	8
Detained defendants								
All offenses	13,516	100%	89%	50%	39%	11%	10%	1%
Violent offenses	3,077	100	90	58	32	10	9	1
Property offenses	4,702	100	88	48	39	12	11	1
Drug offenses	4,823	100	89	48	42	11	10	1
Public-order offenses	914	100	87	48	39	13	10	4

Note: Information on sentencing outcome was available for 93% of all cases involving a conviction that had been adjudicated at the end of 1 year. Detail may not add to total because of rounding.

*Includes sentences that also involved probation.

Pretrial release of felony defendants in the 75 largest counties, 1988 and 1990

	Percent of defendants	
	1988	1990
All defendants		
Released prior to case disposition	66%	65%
Violent	59	63
Property	62	67
Drug	72	65
Public-order	70	69
Released defendants		
Released within 1 day of arrest	68%	54%
Violent	49	50
Property	82	60
Drug	64	50
Public-order	75	56
Falling to appear in court	24%	24%
Violent	20	19
Property	25	28
Drug	28	26
Public-order	14	13
Failing to appear in court and remaining a fugitive	8%	8%
Violent	6	6
Property	8	9
Drug	10	8
Public-order	5	4
Rearrested while on pretrial release	18%	18%
Violent	16	16
Property	18	21
Drug	19	20
Public-order	12	9

The first NPRP data collection was based on cases filed in February 1988. The completion of the latest study, based on cases filed in May 1990 allows for comparisons to be made to assess both consistency and variation in the criminal justice system processing of felony defendants.

Although, the overall rate of pretrial release for felony defendants in the 75 largest counties was consistent from 1988 to 1990, some variation within offense category did occur. The percentage of felony drug defendants who were released before case disposition declined from 1988 (72%) to 1990 (65%). This was offset by slight increases in the release rate for violent defendants (from 59% in 1988 to 63% in 1990) and property defendants (from 62% to 67%).

Comparison of the two years suggests that defendants who were charged with a nonviolent offense and subsequently granted pretrial release had to wait longer for release in 1990 than in 1988. The percentage of released defendants who were released within 1 day of arrest

declined from 82% in 1988 to 60% in 1990 among those charged with property offenses, from 64% to 50% for drug defendants, and from 75% to 56% for public-order defendants. Among released defendants who were facing a charge for a violent offense, the percentage released within 1 day of arrest was about 50% in both 1988 and 1990.

The percentage of defendants for whom a bench warrant was issued because they failed to appear in court remained stable at 24% from 1988 to 1990. In both years, property and drug defendants were the most likely to fail to appear, and public-order defendants the least likely.

Among defendants for whom a failure-to-appear bench warrant was issued, the proportion that were still fugitives after a year was about a third for all four offense categories in 1988 and 1990. In both years 8% of all released defendants were fugitives at the end of 1 year.

The rearrest rate for defendants on pretrial release was 18% in 1990, the same as in 1988. In both years public-order defendants had the lowest rearrest rate.

Methodology

The NPRP sample was designed and selected by the U.S. Bureau of the Census. It is a 2-stage stratified sample with 40 of the 75 most populous counties selected at the first stage (1 county having to be dropped without substitution) and a systematic sample of felony filings (defendants) within each county selected at the second stage.

The 40 counties were divided into 4 first-stage strata based on court filing information obtained through a telephone survey. Fourteen counties were included in the sample with certainty because of their large number of court filings. The remaining 26 counties were allocated to the 3 non-certainty strata based on the variance of felony court dispositions.

The second-stage sampling (filings) was designed to represent all defendants who had felony cases filed with the court during the month of May 1990. The participating jurisdictions included every defendant who had a felony case filed on selected days during that month. The days selected depended on the first-stage stratum in which the county had been placed. Each jurisdiction was provided with 5, 10, 15, or 31 days in May 1990 from which to sample all defendants who had felony charges filed. Jurisdictions that did not select a full month of filings were weighted to represent the full month.

Data on 13,597 sample felony cases were collected from the 39 sampled jurisdictions. This sample represented 56,807 weighted cases filed during the month of May 1990 in the 75 most populous counties. Cases that, because of incomplete information, could not be classified into one of the four major crime categories (violent, property, drug, public-order) were omitted from the analysis. This reduced the weighted total for this report to 56,618 cases. The data collection effort was supervised by the Pretrial Services Resource Center of Washington, D.C..

This report is based on data collected from the following jurisdictions: Arizona (Maricopa); California (Los Angeles, Orange, Sacramento, San Bernardino, San Diego, Santa Clara); District of Columbia; Florida (Broward, Dade, Duval, Hillsborough, Palm Beach, Pinellas);

Georgia (Fulton); Hawaii (Honolulu); Illinois (Cook); Massachusetts (Essex, Suffolk); Michigan (Wayne); Missouri (St. Louis); New Jersey (Essex); New York (Bronx, Erie, Kings, Monroe, New York, Queens); Ohio (Hamilton); Pennsylvania (Allegheny, Montgomery, Philadelphia); Tennessee (Shelby); Texas (Dallas, Harris, Tarrant); Utah (Salt Lake); Virginia (Fairfax); and Washington (King).

Because the data came from a sample, a sampling error (standard error) is associated with each reported number. In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are 95% confident of a real difference and that the apparent difference is not simply the result of using a sample rather than the entire population. All differences discussed in this report were statistically significant at or above the 95-percent confidence level.

Offense categories

Felony offenses were classified into 12 categories for this report. These categories were further divided into the four major crime categories of violent offenses, property offenses, drug offenses, and public-order offenses. The following listings contain a representative summary of most of the crimes contained in each category; however, these lists are not meant to be exhaustive. All offenses, except for murder, include attempts and conspiracies to commit.

Violent offenses

Murder — Includes homicide, nonnegligent manslaughter, and voluntary homicide. Does not include attempted murder (which is classified as felony assault) or negligent homicide, involuntary homicide, and vehicular manslaughter (which are classified as "other violent crime").

Rape — Includes forcible intercourse, sodomy, or penetration with a foreign object. Does not include statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, and commercialized sex offenses.

Robbery — Includes the unlawful taking of property by force or threat of force.

Assault — Includes aggravated assault, aggravated battery, attempted murder, assault with a deadly weapon, felony assault or battery on a law enforcement officer, or other felony assaults. Does not include extortion, coercion, or intimidation.

Other violent offenses — Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnapping, unlawful imprisonment, child or spouse abuse, cruelty to child, reckless endangerment, hit-and-run with bodily injury, intimidation, and extortion.

Property offenses

Burglary — Includes any type of entry to a residence, industry, or business with or without the use of force with the intent to commit a felony or theft, such as forcible entry and breaking and entering. Does not include possession of burglary tools, trespassing, and unlawful entry where the intent is not known.

Theft — Includes grand theft, grand larceny, motor vehicle theft, or any other felony theft. Does not include receiving or buying stolen property, fraud, forgery, or deceit.

Other property offenses — Includes receiving or buying stolen property, forgery, fraud, embezzlement, arson, reckless burning, damage to property, criminal mischief, vandalism, bad checks, counterfeiting, criminal trespassing, possession of burglary tools, and unlawful entry.

Drug offenses

Drug sale/trafficking — Includes trafficking of controlled substances, sales, distribution, possession with intent to distribute or sell, manufacturing, or smuggling. Does not include possession of controlled substances.

Other drug offenses — Includes possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations.

Public-order offenses

Driving-related — Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, or any other felony in the motor vehicle code.

Other public-order offenses — Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel and slander, weapons offenses, treason, perjury, prostitution/pandering, bribery, and tax law violations.

Terms relating to pretrial release

Released defendant — Includes any defendant who was released from custody prior to the disposition of his or her case by the court. Includes defendants who were detained for some period of time before being released and defendants who were returned to custody after being released because of a violation of the conditions of pretrial release.

Detained defendant — Includes any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court. Includes defendants whose cases were disposed of in such a short time that they had no opportunity for pretrial release. This report also refers to detained defendants as "not released."

Failure to appear — Occurs when a court issues a bench warrant for a defendant's arrest because he or she has missed a scheduled court appearance.

Types of financial release

Full cash bond — The defendant posts the full bail amount in cash with the court. If the defendant makes all court appearances, the cash is returned to him or her. If the defendant fails to appear in court, the bond is forfeited.

Deposit bond — The defendant deposits a percentage (usually 10%) of the full bail amount with the court. If the defendant fails to appear in court, he or she is liable to the court for the full amount of the bail. The percentage bail is returned after the disposition of the case, but the court often retains a small portion for administrative costs.

Surety bond — A bail bondsman signs a promissory note to the court for the full bail amount and charges the defendant a fee for the service (usually 10% of the full bail amount). If the defendant fails to appear, the bondsman is liable to the court for the full bail amount. Frequently the bondsman requires the defendant to post collateral in addition to the fee.

Types of nonfinancial release

Unsecured bond — The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear in court.

Release on recognizance — The court releases the defendant on the promise that he or she will appear in court as required.

Citation release — Arrestees are released pending their first court appearance on a written order issued by law enforcement personnel. Citation release is included in the recognizance release category in this report.

Conditional release — Defendants are released under conditions which are supervised by a pretrial services agency. This type of release is also known as *supervised release*.

Emergency release — Defendants are released solely in response to a court order placing limits on a jail's population.

Bureau of Justice Statistics Bulletins are written primarily by Bureau analysts. Brian Reaves wrote this report. Lawrence A. Greenfeld edited it, assisted by Tom Hester. Pheny Z. Smith provided statistical review. Marilyn Marbrook administered production, assisted by Jayne Pugh.

NCJ-139560 November 1992

Bureau of Justice Statistics is a component of the Office of Justice Programs which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Data used in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The dataset is archived as the National Pretrial Reporting Program (ICPSR)

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

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To: AG.

ODD: NONE

Date Received: 10-20-92 Date Due: NONE

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Subject & Date

10-19-92 MEMO ATTACHING A COPY OF A BJS NEWS STORY
REGARDING CRIMINAL VICTIMIZATION DURING 1991 THAT IS
SCHEDULED FOR RELEASE ON OCTOBER 25, 1992. ADVISES THAT
A COPY OF THE RELEASE HAS BEEN TRANSMITTED TO PAO FOR
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REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

19 October 92



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

RECEIVED
DEPARTMENT OF JUSTICE

OCT 19 1992

'92 OCT 20 A9:58

MEMORANDUM TO: William P. Barr
EXECUTIVE SECRET
Attorney General

FROM: Steven D. Dillingham, Ph.D.
Acting Assistant Attorney General *ADD*

SUBJECT: Bureau of Justice Statistics News Release--
Criminal Victimization During 1991

Attached for your information is a copy of a Bureau of Justice Statistics (BJS) news story that is scheduled for release on October 25 that says U.S. residents 12 years old or older experienced 34.7 million crimes last year. BJS estimated that there were 6.4 million violent crimes, 12.5 million thefts and 15.8 million household crimes.

The total number of violent crimes, thefts and household crimes committed during 1991 was not significantly different than the 1990 total, the report noted. Rates in several of the major crime categories have generally been declining since the National Crime Victimization Survey began in 1973.

The rates of rape, robbery, aggravated assault and household burglary showed no significant changes from 1990 to 1991. The violent crime rate last year was 11 percent lower than during 1981, and the burglary rate was almost 40 percent lower than in 1981. The only crime to show a significant rate increase was motor vehicle theft--up almost 28 percent from 1981 through 1991.

The crime victimization survey is the nation's second largest on-going household measure. Last year the survey interviewed a nationally representative sample of 42,000 homes and obtained crime victim data from approximately 83,000 people.

During 1991 personal thefts decreased slightly, reaching 61 thefts per 1,000 U.S. inhabitants, the lowest survey rate recorded in the survey's 19 years. The 1991 household crime rate was not significantly different from that of 1990, when it was the lowest since 1973.

The violent crime rate reached its highest level during the late 1970s and early 1980s and is currently lower than at any time between 1977 and 1983, the report said.

One category to show a substantial rate increase during the 1990-1991 period was simple assaults, which grew by an estimated 11 percent. Aggravated assaults (attacks with a weapon or resulting in serious injuries) did not change significantly--the 1991 rate was 7.8 per 1,000 U.S. residents.

The percentage of victims reporting crimes to police remained unchanged between 1990 and 1991. Thirty-eight percent of all crimes were reported to law enforcement agencies last year, including a little less than one-half of all violent crimes.

Blacks were more likely than were whites to be violent crime victims. The rate of violent victimization among blacks was about 50 percent higher than the rate among whites. Rates of violent victimization were also highest among people under 25 years old, residents of central cities and people living in poor households.

In every crime category males sustained significantly higher victimization rates than did females. For example, males were more than 2.5 times as likely as females to experience aggravated assaults.

Last year there were 13.5 robberies for every 1,000 black residents, 4.4 robberies for every 1,000 whites and 7.4 robberies for every 1,000 residents in other racial classifications.

People 65 years old or older generally had the lowest victimization rates. The assault rate for people 16 to 19 years old was 79.2 per 1,000 residents, compared to 1.8 per 1,000 people 65 years old or more.

Hispanics and non-Hispanics generally had similar victimization rates except for robberies and for total violent crime. Hispanics were robbery victims at the rate of 10 such offenses per 1,000 residents, compared to 5.2 for non-Hispanics. Overall, the violent crime victimization rate was 36.2 per 1,000 for Hispanics, compared to 30.8 per 1,000 for non-Hispanics.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Acting Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, OCTOBER 25, 1992

BJS
202-307-0784

FEW SIGNIFICANT CRIMINAL VICTIMIZATION RATE CHANGES 1990-1991

WASHINGTON, D.C. -- U.S. residents 12 years old or older experienced 34.7 million crimes last year, according to a Bureau of Justice Statistics (BJS) report published today. BJS, a Department of Justice component in the Office of Justice Programs, estimated that there were 6.4 million violent crimes, 12.5 million thefts and 15.8 million household crimes.

The total number of violent crimes, thefts and household crimes committed during 1991 was not significantly different than the 1990 total, the report noted. Rates in several of the major crime categories have generally been declining since the National Crime Victimization Survey began in 1973.

"The rates of rape, robbery, aggravated assault and household burglary showed no significant changes from 1990 to 1991," noted BJS Director Steven D. Dillingham. "The violent crime rate last year was 11 percent lower than during 1981, and the burglary rate was almost 40 percent lower than in 1981. The only crime to show a significant rate increase was motor vehicle theft--up almost 28 percent from 1981 through 1991."

The crime victimization survey is the nation's second

-MORE-

largest on-going household measure. Last year the survey interviewed a nationally representative sample of 42,000 households and obtained crime victim data from approximately 83,000 people.

During 1991 personal thefts decreased slightly, reaching 61 thefts per 1,000 U.S. inhabitants, the lowest survey rate recorded in the survey's 19 years. The 1991 household crime rate was not significantly different from that of 1990, when it was the lowest since 1973.

The violent crime rate peaked in 1981 with 35.3 victimizations per 1,000 persons aged 12 years old or older. The 1991 rate was 31.3 per 1,000--an 11 percent reduction during the decade, the report noted.

One category to show a substantial rate increase during the 1990-1991 period was simple assaults, which grew by an estimated 11 percent. Aggravated assaults (attacks with a weapon or resulting in serious injuries) did not change significantly--the 1991 rate was 7.8 per 1,000 U.S. residents.

The percentage of victims reporting crimes to police remained unchanged between 1990 and 1991. Thirty-eight percent of all crimes were reported to law enforcement agencies last year, including a little less than one-half of all violent crimes.

Blacks were more likely than were whites to be violent crime

victims. The rate of violent victimization among blacks was about 50 percent higher than the rate among whites. Rates of violent victimization were also highest among people under 25 years old, residents of central cities and people living in poor households.

In every personal crime category males sustained significantly higher victimization rates than did females. For example, males were more than 2.5 times as likely as females to experience aggravated assaults.

Last year there were 13.5 robberies for every 1,000 black residents, 4.4 robberies for every 1,000 whites and 7.4 robberies for every 1,000 residents in other racial classifications.

People 65 years old or older generally had the lowest victimization rates. The assault rate for people 16 to 19 years old was 79.2 per 1,000 residents, compared to 1.8 per 1,000 people 65 years old or more.

Hispanics and non-Hispanics generally had similar victimization rates except for robberies and for total violent crime. Hispanics were robbery victims at the rate of 10 such offenses per 1,000 residents, compared to 5.2 for non-Hispanics. Overall, the violent crime victimization rate was 36.2 per 1,000 for Hispanics, compared to 30.8 per 1,000 for non-Hispanics.

Single copies of the BJS bulletin, "Criminal Victimization

1991" NCJ-136947) and other BJS information and publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-301-251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784. The statistics are also available from the National Archive of Criminal Justice Data at the University of Michigan by calling 1-800-999-0950.

#

DRAFT



Bureau of Justice Statistics Bulletin

A National Crime Victimization Survey Report

Criminal Victimization 1991

By Lisa D. Bastian
BJS Statistician

Persons age 12 or older, living in the United States, experienced 34.7 million crimes in 1991 according to the National Crime Victimization Survey (NCVS).¹ Approximately 6.4 million of these victimizations consisted of violent crimes such as rape, robbery, and aggravated and simple assaults. Another 12.5 million victimizations were crimes of theft — larcenies both with and without contact between the victim and offender. Finally, there were 15.8 million household crimes in 1991.²

- The total number of violent, theft, and household crimes committed in 1991 was not significantly different from that for the previous year.³

- The number of violent crime attempts increased 11% between 1990 and 1991.

- No measurable change in household crime rates was evident between 1990 and 1991.

¹The National Crime Survey was renamed the National Crime Victimization Survey (NCVS) in 1990.

²For definitions of the crimes measured by the NCVS and a description of NCVS operations, see *Measuring Crime*, BJS Bulletin, NCJ-75710, February 1981.

³Because the numbers in this report are estimates based on a sample, some apparent differences may reflect sampling variation. Such differences are described in the report as not statistically significant or not measurably different. Unless one of these designations is used, any difference described reflects at least a 90% certainty that the difference is not the result of sampling variation. See the discussion on page 7.

- Since 1981, the peak year for victimizations, crime levels have dropped overall. However, the number of violent crimes committed in 1991 did not differ measurably from that estimated for 1981.

- The rate at which crimes were reported to the police did not change significantly between 1990 and 1991. Thirty-eight percent of crimes overall were reported to law enforcement officials last year. Just under half of all violent crimes were reported to the police.

- Certain demographic groups had higher victimization rates than others: Blacks were more likely than whites to be victims of violent crime; persons under age 25 had higher victimization rates than older persons; and those living in households in the lowest income category were more likely to be violent crime victims than persons from households in the highest income bracket.

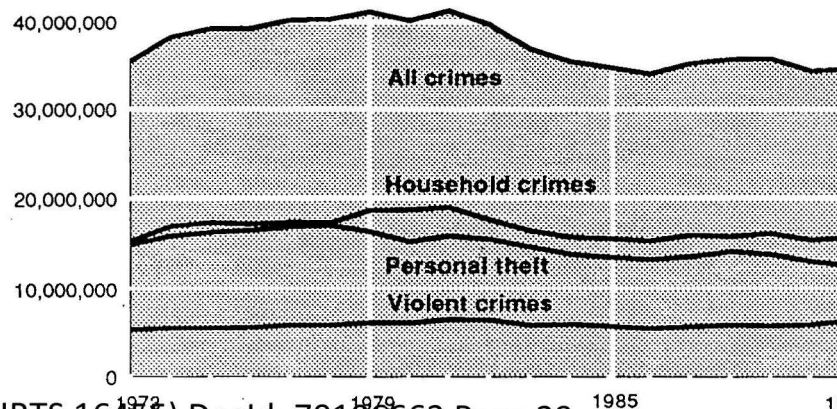
October 1992

The new name of the only ongoing U.S. survey that produces national estimates of crime victimization clearly emphasizes its strength — National Crime Victimization Survey (NCVS). Since 1973 this household survey, the Nation's second largest, has provided a measurement of those personal and household victimizations which were not reported, as well as those reported, to law enforcement agencies.

Steven D. Dillingham, Ph.D.
Director

Victimization trends, 1973-91

Number of victimizations



Crimes levels and rates in 1991

Between 1990 and 1991 the number of violent crimes attempted against U.S. residents increased significantly, by nearly

11% (table 2). This increase can be attributed primarily to a rise in assaults; as in the past, the largest portion of the violent crimes consisted of simple assaults.

Table 1. Victimization levels for selected crimes, 1973-1991

	Number of victimizations (in 1,000's)			
	Total	Violent crimes	Personal theft	Household crimes
1973	35,661	5,350	14,970	15,340
1974	38,411	5,510	15,889	17,012
1975	39,266	5,573	16,294	17,400
1976	39,318	5,599	16,519	17,199
1977	40,314	5,902	16,933	17,480
1978	40,412	5,941	17,050	17,421
1979	41,249	6,159	16,382	18,708
1980	40,252	6,130	15,300	18,821
1981	41,454	6,582	15,863	19,009
1982	39,756	6,459	15,553	17,744
1983	37,001	5,903	14,657	16,440
1984	35,544	6,021	13,789	15,733
1985	34,864	5,823	13,474	15,568
1986	34,118	5,515	13,235	15,368
1987	35,336	5,796	13,575	15,966
1988	35,796	5,910	14,056	15,830
1989	35,818	5,861	13,829	16,128
1990	34,404	6,009	12,975	15,419
1991	34,730	6,424	12,533	15,774
Percent change, 1981-91 ^a	-16.2% ^b	-2.4%	-21.0% ^b	-17.0% ^b

^aTotal victimizations peaked in 1981.

^bThe difference is statistically significant at the 95% confidence level.

Since 1981, a peak year for victimizations, the trend in crime levels among the major crime categories has been generally downward. However, for 1991, the level of violent crime overall did not differ measurably from that estimated for the peak year: Approximately 6.6 million violent victimizations were committed in 1981 while 6.4 million occurred last year (table 1).

The number of personal thefts and household crimes recorded for 1991 continued to be lower than the peak. Between 1990 and 1991 thefts declined somewhat, driven by a 24% drop in personal larcenies with contact between the victim and offender — primarily pocket picking (table 2). Among the household crimes little changed from the previous year; there was some evidence that household larcenies in which the total theft loss was under \$50 increased in 1991.

Trends in victimization rates of personal crimes, 1973-91

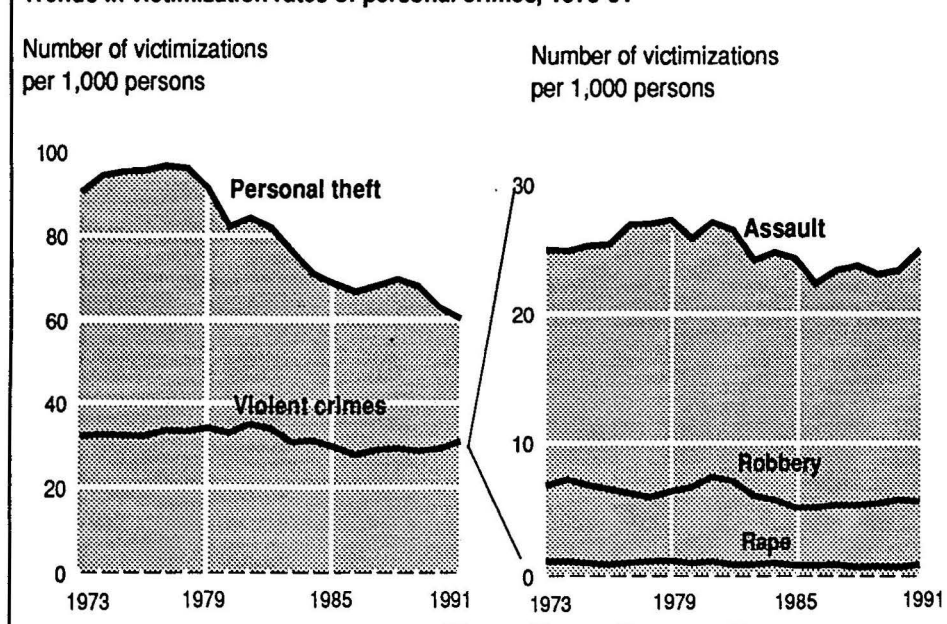


Figure 2

Trends in victimization rates of household crimes, 1973-91

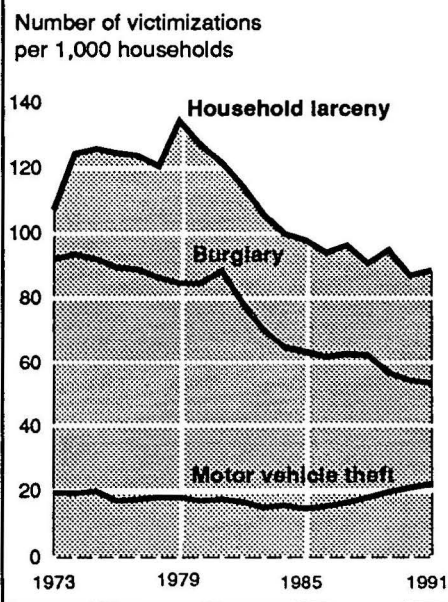


Figure 3

Crime rates — the number of crimes per 1,000 persons for personal crimes or per 1,000 households for household crimes — displayed a pattern similar to that for

crime levels. The rate of attempted violent crimes increased 10% between 1990 and 1991. The simple assault rate jumped 11%, to 17 assaults per 1,000

persons which was not measurably different from the rate for the peak year of 1981. The total theft rate decreased slightly in 1991, while the rate of personal larceny with contact was down significantly. Household crime rates did not change significantly last year.

Table 2. Changes in victimization levels and rates for personal and household crimes, 1990-91

	Number of victimizations (1,000's)			Victimization rates		
	1990	1991	Percent change, 1990-91	1990	1991	Percent change, 1990-91
All crimes	34,404	34,730	.9%	...	...	...
Personal crimes	18,984	18,956	-.1%	93.4	92.3	-1.2%
Crimes of violence	6,009	6,424	6.9 ^a	29.6	31.3	5.8
Completed	2,422	2,447	1.0	11.9	11.9	.0
Attempted	3,587	3,977	10.9 ^a	17.6	19.4	9.7 ^a
Rape ^c	130	173	33.0	.6	.8	31.3
Robbery	1,150	1,145	-.4	5.7	5.6	-1.4
Completed	801	752	-6.1	3.9	3.7	-7.1
With injury	286	257	-10.2	1.4	1.3	-11.1
Without injury	514	495	-3.8	2.5	2.4	-4.8
Attempted	349	393	12.6	1.7	1.9	11.5
With injury	110	125	13.7	.5	.6	12.5
Without injury	239	268	12.2	1.2	1.3	11.0
Assault	4,729	5,105	8.0 ^a	23.3	24.9	6.9 ^a
Aggravated	1,601	1,609	.5	7.9	7.8	-.5
Completed with injury	627	594	-5.3	3.1	2.9	-6.3
Attempted assault with weapon	974	1,015	4.2	4.8	4.9	3.2
Simple	3,128	3,497	11.8 ^a	15.4	17.0	10.7 ^a
Completed with injury	931	1,032	10.9	4.6	5.0	9.8
Attempted assault without weapon	2,197	2,464	12.2 ^a	10.8	12.0	11.0 ^b
Crimes of theft	12,975	12,533	-3.4 ^b	63.8	61.0	-4.4 ^b
Completed	12,155	11,691	-3.8 ^a	59.8	56.9	-4.8 ^a
Attempted	821	841	2.5	4.0	4.1	1.4
Personal larceny with contact	637	482	-24.3 ^a	3.1	2.3	-24.9 ^a
Purse snatching	165	136	-17.7	.8	.7	-18.5
Pocket picking	472	346	-26.6 ^a	2.3	1.7	-27.4 ^a
Personal larceny without contact	12,338	12,050	-2.3	60.7	58.7	-3.3
Completed	11,559	11,239	-2.8	56.9	54.7	-3.8
Less than \$50	4,592	4,363	-5.0 ^b	22.6	21.2	-6.0
\$50 or more	6,453	6,311	-2.2	31.7	30.7	-3.2
Amount not available	514	565	9.9	2.5	2.8	8.8
Attempted	779	812	4.2	3.8	4.0	3.1
Household crimes	15,419	15,774	2.3%	161.0	162.9	1.2%
Completed	13,072	13,370	2.3	136.5	138.1	1.1
Attempted	2,347	2,404	2.4	24.5	24.8	1.3
Household burglary	5,148	5,138	-.2	53.8	53.1	-1.3
Completed	4,076	4,006	-1.7	42.6	41.4	-2.8
Forcible entry	1,816	1,668	-8.1	19.0	17.2	-9.2
Unlawful entry without force	2,260	2,338	3.4	23.6	24.1	2.3
Attempted forcible entry	1,072	1,132	5.6	11.2	11.7	4.5
Household larceny	8,304	8,524	2.6	86.7	88.0	1.5
Completed	7,769	8,013	3.1	81.1	82.7	2.0
Less than \$50	3,144	3,359	6.8 ^b	32.8	34.7	5.6
\$50 or more	4,206	4,219	.3	43.9	43.6	-.8
Amount not available	419	435	3.7	4.4	4.5	2.5
Attempted	535	511	-4.5	5.6	5.3	-5.6
Motor vehicle theft	1,968	2,112	7.4	20.5	21.8	6.1
Completed	1,227	1,350	10.1	12.8	13.9	8.8
Attempted	741	762	2.9	7.7	7.9	1.7

Note: Detail may not add to totals shown because of rounding. Percent change is based on unrounded numbers. Victimization rates are calculated on the basis of the number of victimizations per 1,000 persons age 12 or older or per 1,000 households. The population age 12 or older grew from 203,273,870 in 1990 to 205,344,910 in 1991, an increase of 1%. The number of households grew from 95,762,680 to 96,839,300 between 1990 and 1991, an increase of 1.1%.

...Not applicable.

^aThe difference is statistically significant at the 95% confidence level.

^bThe difference is statistically significant at the 90% confidence level.

^cThere was 1.0 rape per 1,000 women age 12 or older in 1990 and 1.4 in 1991.

Trends in crime rates, 1973-91

Rates in several of the major crime categories have generally been declining since 1973, some reaching low points in recent years. For example, the rate of personal crime was lower in 1991 than in any other year but 1990 (tables 3 and 4). Personal thefts decreased somewhat in 1991 making the rate of 61 thefts per 1,000 persons the lowest since the inception of the NCVS in 1973. The household crime rate was not significantly different in 1991 than its lowest point which was recorded the previous year. The violent crime rate reached its highest points in the late 1970's and early 1980's and is currently lower than at any time between 1977 and 1983.

Table 3. Victimization rates for personal and household crimes

	Victimizations per 1,000 persons age 12 or older or per 1,000 households											
	1973	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Personal crimes	123.6	120.5	116.8	107.9	103.2	99.4	95.6	98.0	100.1	97.8	93.4	92.3
Crimes of violence	32.6	35.3	34.3	31.0	31.4	30.0	28.1	29.3	29.6	29.1	29.6	31.3
Rape	1.0	1.0	.8	.8	.9	.7	.7	.8	.6	.7	.6	.8
Robbery	6.7	7.4	7.1	6.0	5.7	5.1	5.1	5.3	5.3	5.4	5.7	5.6
Assault	24.9	27.0	26.4	24.1	24.7	24.2	22.3	23.3	23.7	23.0	23.3	24.9
Aggravated	10.1	9.6	9.3	8.0	9.0	8.3	7.9	8.0	8.7	8.3	7.9	7.8
Simple	14.8	17.3	17.1	16.2	15.7	15.9	14.4	15.2	15.0	14.7	15.4	17.0
Crimes of theft	91.1	85.1	82.5	76.9	71.8	69.4	67.5	68.7	70.5	68.7	63.8	61.0
Personal larceny												
With contact	3.1	3.3	3.1	3.0	2.8	2.7	2.7	2.6	2.5	2.7	3.1	2.3
Without contact	88.0	81.9	79.5	74.0	69.1	66.7	64.7	66.1	68.0	66.0	60.7	58.7
Household crimes	217.8	226.0	208.2	189.8	178.7	174.4	170.0	173.9	169.6	169.9	161.0	162.9
Household burglary	91.7	87.9	78.2	70.0	64.1	62.7	61.5	62.1	61.9	56.4	53.8	53.1
Household larceny	107.0	121.0	113.9	105.2	99.4	97.5	93.5	95.7	90.2	94.4	86.7	88.0
Motor vehicle theft	19.1	17.1	16.2	14.6	15.2	14.2	15.0	16.0	17.5	19.2	20.5	21.8

Note: Detail may not add to total shown because of rounding. Table 4 identifies statistically significant differences between the rates for 1991 and preceding years.

Table 4. Comparison of changes in victimization rates for personal household and household crimes

	1973-91	81-91	82-91	83-91	84-91	85-91	86-91	87-91	88-91	89-91	90-91
Personal crimes	-25.3%	-23.4%	-21.0%	-14.5%	-10.6%	-7.2%	-3.4%	-5.8%	-7.8%	-5.6%	-1.2%*
Crimes of violence	-3.9*	-11.4	-8.7	.9*	-	4.3*	11.2	6.7	5.5*	7.5	5.8*
Rape	-11.6*	-11.6*	3.7*	3.7*	-10.6*	18.3*	27.3*	12.0*	31.3*	25.4*	31.3*
Robbery	-17.2	-24.7	-21.2	-7.5*	-2.3*	10.1*	8.6*	5.5*	6.1*	3.0*	-1.4*
Assault	-	-7.8	-5.8*	2.9*	.6*	2.7*	11.4	6.8	4.7*	8.0	6.9
Aggravated	-22.2	-18.8	-15.9	-1.6*	-13.0	-5.3*	-5*	-2.5*	-10.3*	-5.3*	-5*
Simple	15.1	-1.7*	-	5.3*	8.3	6.8*	17.9	11.7	13.5	15.5	10.7
Crimes of theft	-33.0	-28.3	-26.0	-20.7	-15.0	-12.1	-9.5	-11.1	-13.4	-11.1	-4.4
Personal larceny											
With contact	-23.5	-27.7	-23.2	-20.3	-14.9*	-12.6*	-13.9*	-8.6*	-4.1*	-13.0*	-24.9
Without contact	-33.3	-28.3	-26.1	-20.7	-15.0	-12.1	-9.4	-11.2	-13.8	-11.1	-3.3*
Household crimes	-25.2%	-27.9%	-21.8%	-14.2%	-8.9%	-6.6%	-4.2%	-6.3%	-3.9%	-4.2%	1.2%*
Household burglary	-42.1	-39.6	-32.1	-24.2	-17.2	-15.3	-13.7	-14.6	-14.3	-5.9*	-1.3*
Household larceny	-17.7	-27.3	-22.7	-16.3	-11.4	-9.7	-5.9	-8.0	-2.4*	-6.7	1.5*
Motor vehicle theft	14.3	27.5	35.0	49.5	43.3	53.3	45.4	36.0	24.6	13.7	6.1*

Note: Percent change was calculated using rates that were rounded to the nearest hundredth.

*The difference is not statistically significant at the 90% confidence level.

-Less than 0.5%.

Violent crime rate increases in the Northeast

In the Northeast the rate of attempted violent crime rose dramatically, by 31%, between 1990 and 1991. The total assault rate increased significantly, while the rate of completed robberies declined (table 5). The total theft rate, as well as the rate of personal larcenies with contact, decreased significantly. There was some evidence that the rate of household larceny increased in this region in 1991.

Rates of personal crime declined marginally in the Midwest during 1991. The theft rate decreased, perhaps largely due to a 47% drop in the rate of personal larcenies with contact; both pocket picking and purse snatching declined significantly. There was some evidence that the rate of personal larcenies without contact decreased as well. There was no measurable change in rates of household crime between 1990 and 1991.

The South experienced very little change in crime rates last year. Larcenies without contact declined somewhat, but no change in either violent or household crime rates was evident.

Crime rates were generally higher in the West than in any other region of the Nation. Rates of violent crime, particularly attempts, increased somewhat in the West in 1991. There was also some evidence of an increase in the assault rate.

Table 5. Victimization rates for personal and household crimes, by region, 1990-91*

	Victimizations per 1,000 persons age 12 or older or per 1,000 households											
	Northeast			Midwest			South			West		
	1990	1991	Percent change, 1990-91	1990	1991	Percent change, 1990-91	1990	1991	Percent change, 1990-91	1990	1991	Percent change, 1990-91
Personal crimes	72.1	69.7	-3.4	97.7	91.1	-6.7 ^b	95.6	90.7	-5.2 ^b	107.8	121.5	12.7 ^a
Crimes of violence	21.8	25.5	17.1 ^b	30.5	30.9	1.2	31.1	30.6	-1.8	34.2	39.4	15.3 ^b
Robbery	7.3	6.8	-6.5	4.5	4.4	-2.0	5.3	5.1	-3.6	5.8	6.4	10.0
Assault	14.1	17.8	25.6 ^a	25.5	25.9	1.8	25.1	24.5	-2.3	27.5	32.1	16.8 ^b
Aggravated	3.9	5.0	26.3	8.3	6.8	-18.7	9.4	8.9	-4.9	9.0	10.2	13.5
Simple	10.2	12.8	25.3 ^b	17.1	19.2	11.7	15.7	15.6	-.7	18.5	22.0	18.4
Crimes of theft	50.3	44.2	-12.3 ^a	67.1	60.2	-10.2 ^a	64.5	60.2	-6.8 ^b	73.6	82.0	11.5 ^a
Personal larceny												
With contact	6.3	3.4	-45.6 ^a	2.9	1.5	-47.1 ^a	2.1	2.0	-2.1	1.9	2.7	43.5
Without contact	44.1	40.8	-7.5	64.2	58.7	-8.6 ^b	62.5	58.1	-6.9 ^b	71.7	79.3	10.7 ^a
Total population age 12 or older (in 1,000's)	44,202	44,238	--	46,527	46,552	--	72,086	74,188	2.9	40,459	40,367	--
Household crimes	119.3	124.8	4.6	148.0	155.6	5.1	173.2	167.5	-3.3	199.8	204.6	2.4
Household burglary	36.9	33.8	-8.4	49.1	53.6	9.2	60.6	60.3	-.6	65.2	60.0	-8.0
Household larceny	57.7	66.4	15.0 ^b	83.8	83.7	--	92.9	87.7	-5.6	110.6	117.4	6.2
Motor vehicle theft	24.7	24.6	--	15.1	18.3	21.1	19.7	19.5	-1.1	24.0	27.3	13.4
Total number of households (in 1,000's)	20,507	20,559	--	22,427	22,445	--	33,962	34,994	3.0	18,866	18,841	--

Note: Detail may not add to total shown because of rounding. Percent change is based on unrounded numbers. Crimes of violence rates include rape.

*See Methodology, page 7.

--Less than 0.5%.

^aThe difference is statistically significant at the 95% confidence level.

confidence level.

^bThe difference is statistically significant at the 90% confidence level.

The rate of personal theft increased 12%, to 82 thefts per 1,000 persons, while rates of household crime remained stable.

Reporting of crime remains stable

The rate at which crimes were reported to the police did not change significantly between 1990 and 1991 (table 6 and figure 4). At 49%, just under half of all violent victimizations were reported to law

enforcement officials. Both the personal crimes of theft and household crimes remained at the same proportions reported in 1990 — 29% and 41%, respectively. Overall, 38% of all crimes committed last year were reported to the police.

In specific crime categories, motor vehicle thefts were most likely to be reported to the police (74%) while larcenies without contact were the least likely (28%).

Over time, the reporting rate for violent crimes has remained stable. However, the rates at which the crimes of theft and household crimes, overall, were reported to the police were significantly higher in 1991 than at any time between 1973 and 1980.

Table 6. Reporting victimizations to the police, 1973-91

	Percent of victimizations reported to the police																		
	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
All crimes	32%	33%	35%	35%	34%	33%	33%	36%	35%	36%	35%	35%	36%	37%	37%	36%	37%	38%	38%
Personal crimes	28%	30%	32%	32%	30%	30%	30%	33%	33%	33%	32%	33%	34%	34%	34%	34%	34%	35%	35%
Crimes of violence	46	47	47	49	46	44	45	47	47	48	47	47	48	50	48	48	45	48	49
Rape	49	52	56	53	58	49	51	41	56	53	47	56	61	48	52	45	51	54	59
Robbery	52	54	53	53	56	51	55	57	56	56	53	54	54	58	55	57	51	50	55
Assault	44	45	45	48	44	43	42	45	44	46	46	45	46	48	46	46	43	47	47
Aggravated	52	53	55	58	51	53	51	54	52	58	56	55	58	59	60	54	52	59	58
Simple	38	39	39	41	39	37	37	40	39	40	41	40	40	41	38	41	38	42	42
Crimes of theft	22	25	26	27	25	25	24	27	27	27	26	26	27	28	28	27	29	29	29
Personal larceny																			
With contact	33	34	35	36	37	34	36	36	40	33	36	31	33	38	36	35	30	37	38
Without contact	22	24	26	26	24	24	24	27	26	27	26	26	27	28	27	27	29	28	28
Household crimes	38%	37%	39%	38%	38%	36%	36%	39%	39%	39%	37%	38%	39%	41%	40%	40%	41%	41%	41%
Household burglary	47	48	49	48	49	47	48	51	51	49	49	49	50	52	52	51	50	51	50
Household larceny	25	25	27	27	25	24	25	28	26	27	25	27	27	28	27	26	28	27	28
Motor vehicle theft	68	67	71	69	68	66	68	69	67	72	69	69	71	73	75	73	76	75	74

Trends in reporting crimes to the police, 1973-91

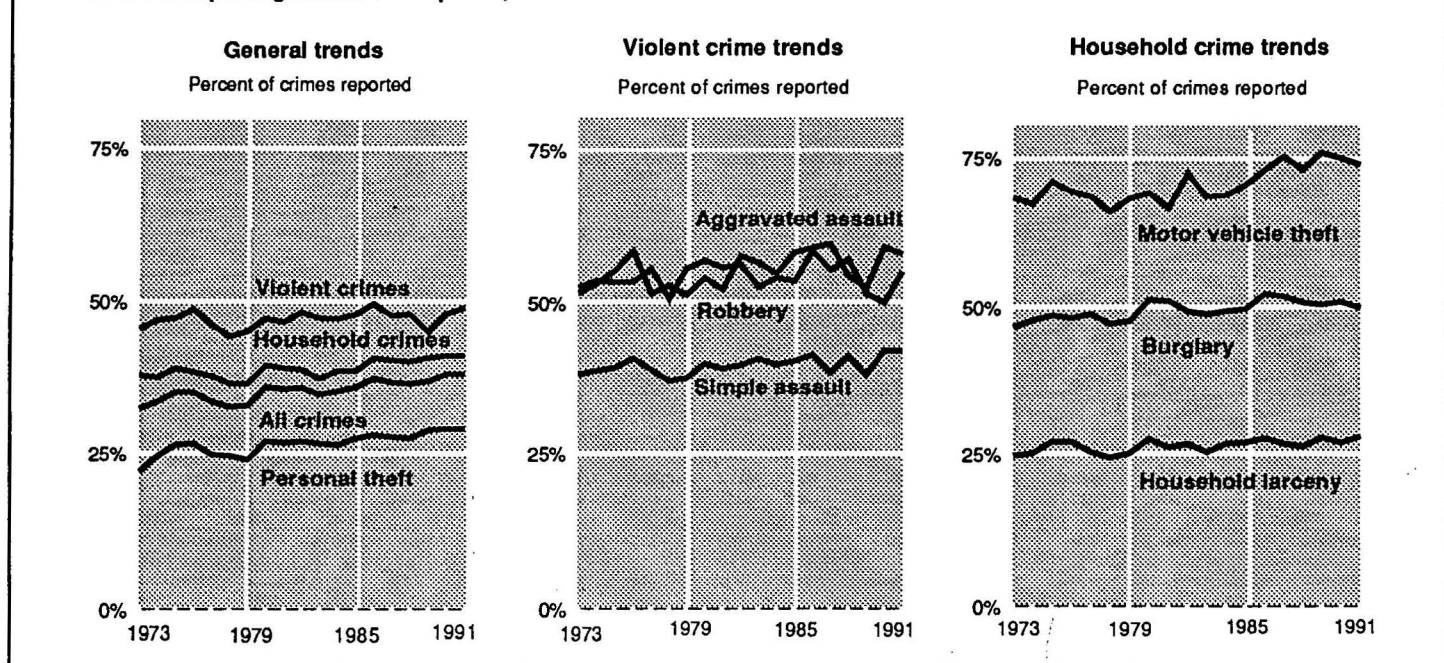


Figure 4

Characteristics of victims

Research by BJS has shown a relationship between certain demographic characteristics and the risk of crime victimization.⁴ Males, younger persons, blacks, Hispanics, residents of central cities, and the poor tend to have higher rates of victimization than persons who do not possess these characteristics (table 7).

In every personal crime category males sustained significantly higher victimization rates than did females. Males were more than 2.5 times as likely as females to experience an aggravated assault, for example (11.5 versus 4.4).

Blacks were generally more likely than whites or persons of other races, such as Asians or Native Americans, to be victims of violent crime. In 1991 there were 13.5 robberies for every 1,000 black persons, 4.4 robberies for every 1,000 whites, and 7.4 for every 1,000 persons in other racial categories.

Persons under age 25 had higher victimization rates than older persons. Those 65 or older generally had the lowest victimization rates. The rate of assault was 79.2 per 1,000 persons ages 16 to 19 and 1.8 per 1,000 persons 65 or older.

Although Hispanics and non-Hispanics had generally similar victimization rates, they differed in two categories of crime. The most pronounced difference was for robbery. Hispanics sustained a robbery rate twice that of non-Hispanics (10.0 versus 5.2). Hispanics also had a somewhat higher rate of violent victimization, overall (36.2 versus 30.8).

In general, persons from households with low incomes experienced higher violent crime victimization rates than did persons from wealthier households. Persons from households with an income under \$7,500 had significantly higher rates of robbery and assault than persons in most other income groups, particularly those from households earning \$50,000 or more. For the crimes of theft, however, this pattern did not hold. Persons from

Table 7. Victimization rates for persons age 12 or older, by type of crime and sex, age, race, ethnicity, income, and locality of residence of victims, 1991

	Victimizations per 1,000 persons age 12 or older						
	Crimes of violence						Crimes of theft
	Total	Total*	Robbery	Total	Assault Aggravated	Simple	
Sex							
Male	105.1	40.3	7.8	32.4	11.5	20.9	64.8
Female	80.4	22.9	3.5	17.9	4.4	13.4	57.5
Age							
12-15	163.9	62.7	10.0	51.6	12.9	38.7	101.2
16-19	185.1	91.1	8.3	79.2	25.5	53.8	94.1
20-24	189.4	74.6	13.9	59.0	23.0	36.0	114.8
25-34	106.3	34.9	7.2	26.6	8.3	18.3	71.4
35-49	75.5	20.0	4.0	15.4	3.9	11.4	55.6
50-64	45.0	9.6	1.8	7.6	2.4	5.2	35.4
65 or older	23.2	3.8	1.9	1.8	.9	.9	19.5
Race							
White	90.9	29.6	4.4	24.3	7.4	16.9	61.4
Black	105.6	44.4	13.5	30.4	11.1	19.3	61.1
Other	80.2	28.1	7.4	20.5	8.2	12.3	52.0
Ethnicity							
Hispanic	95.6	36.2	10.0	25.2	11.8	13.4	59.4
Non-Hispanic	91.9	30.8	5.2	24.8	7.5	17.3	61.2
Family income							
Less than \$7,500	121.5	59.4	9.6	48.0	19.6	28.4	62.1
\$7,500-\$9,999	102.9	42.1	7.9	34.2	9.5	24.7	60.8
\$10,000-\$14,999	103.4	43.1	7.6	33.9	9.8	24.1	60.2
\$15,000-\$24,999	88.3	30.9	5.0	24.8	7.5	17.4	57.4
\$25,000-\$29,999	88.8	31.9	6.0	25.6	8.3	17.3	56.9
\$30,000-\$49,999	85.4	25.0	3.7	20.5	6.3	14.2	60.4
\$50,000 or more	85.7	19.9	3.3	16.2	3.9	12.3	65.8
Residence							
Central city	118.9	43.7	11.5	30.7	10.8	19.9	75.2
Suburban	87.6	26.4	3.9	22.0	6.5	15.5	61.2
Nonmetropolitan areas	69.4	24.9	1.5	22.7	6.5	16.1	44.4

*Includes data on rape not shown separately.

households earning less than \$7,500 had personal theft rates that were not significantly different from persons with a household income of \$50,000 or more.

Residents of central cities had higher rates for all personal crimes than did suburbanites or residents of nonmetropolitan areas.

Certain demographic groups also had higher household victimization rates than others (table 8). Blacks had a significantly higher rate of household crime than whites. Compared to non-Hispanics, Hispanics had a higher rate for each of the household crimes.

As was the case for personal crimes, place of residence was related to a household's risk of victimization. For each type of household crime, central city residents had consistently higher rates than suburban or nonmetropolitan residents.

Households that rented their residence had significantly higher rates than households that owned. Households that rented sustained motor vehicle thefts at greater than 1.5 times the rate of households that owned their residence, with 29.1 thefts per 1,000 households versus 17.7.

⁴The Risk of Violent Crime, BJS Special Report, NCJ-97119, May 1985.

Survey methodology and sampling error

The National Crime Victimization Survey measures personal and household offenses, including crimes not reported to the police, by interviewing all the occupants of housing units, which have been selected to comprise a representative sample. Each housing unit is interviewed at 6-month intervals; interviews for the complete sample of households are spread out over the entire year. In 1991, approximately 83,000 people in 42,000 housing units were interviewed about the crimes they had experienced in the previous 6 months. These numbers reflect a 97% response rate.

In 1991, about 21,000 persons in 10,500 housing units in selected areas were interviewed using a new survey questionnaire. Data from households receiving this new questionnaire are excluded from this report. In order to convert to the new questionnaire, while maintaining the capability of producing annual crime rate changes estimates, the new questionnaire is being phased in gradually over a few

years. Adjustments were made in the NCVS weighting to compensate for the exclusion of these new questionnaire cases from the 1991 data.

Each person interviewed is asked about the crimes he or she may have experienced over the previous 6 months. Certain (nonsampling) errors may occur during data collection — responses to questions may be erroneously recorded, questions may not be answered correctly, or some people may forget to mention crimes, for example. The NCVS was designed to eliminate as many of these errors as possible.

Another source of error comes from taking a sample instead of a complete census. Since the NCVS cannot question everyone, a sampling error (standard error) is associated with every number in this report. In general, if the difference between two numbers is greater than twice the standard error of that difference, then the two numbers can be declared significantly different at the 95 percent confidence level. This means that about 95% of the time the two numbers are truly

different, and roughly 5% of the time the sample will be imprecise enough that it detects a difference which does not actually exist. Similarly, if the difference is greater than 1.6 standard errors, the results are significant at the 90 percent confidence level. Everything described in the text as significantly different is at or above the 90 percent confidence level. If the difference between two numbers is less than 1.6 standard errors, then the two numbers are described as not measurably different.

Note, with the exclusion of the sample cases receiving the new questionnaire, the standard errors for 1991 estimates are larger than those in recent years. Because of this, larger differences between two numbers are needed in order to be declared significantly different. Also, with the composition of the sample areas changing as the new questionnaire is phased in, the consistency of certain types of geographic and demographic estimates over time may be reduced.

Table 8. Household victimization rates, by type of crime and race, ethnicity, income, residence, and form of tenure of head of household, 1991

	Victimizations per 1,000 households			
	Total	Burglary	Household larceny	Motor vehicle theft
Race				
White	156.6	50.2	87.0	19.4
Black	207.6	74.5	96.2	36.9
Other	170.7	51.9	85.1	33.7
Ethnicity				
Hispanic	239.9	74.8	123.1	41.9
Non-Hispanic	157.0	51.3	85.3	20.3
Family income				
Less than \$7,500	186.7	80.8	95.5	10.4
\$7,500-\$9,999	173.6	68.9	85.5	19.3
\$10,000-\$14,999	175.5	65.1	91.5	19.0
\$15,000-\$24,999	168.2	49.4	96.5	22.4
\$25,000-\$29,999	136.2	44.5	75.8	15.9
\$30,000-\$49,999	155.2	43.8	87.2	24.2
\$50,000 or more	148.9	41.4	79.8	27.6
Residence				
Central city	223.4	69.5	117.4	36.5
Suburban	142.7	44.5	77.7	20.5
Nonmetropolitan areas	121.2	46.5	68.6	6.2
Form of tenure				
Home owned	136.7	41.6	77.3	17.7
Home rented	209.5	73.4	107.1	29.1

Table 9. Preliminary and final estimates for victimization levels and rates, 1991

	Number of victimizations (in 1,000's)			Victimization rates		
	Preliminary	Final	Percent change	Preliminary	Final	Percent change
Personal crimes	19,415	18,956	-2.4%	94.6	92.3	-2.4%
Crimes of violence	6,427	6,424	--	31.3	31.3	--
Rape	208	173	-16.5	1.0	.8	-16.6
Robbery	1,146	1,145	--	5.6	5.6	--
Assault	5,083	5,105	--	24.8	24.9	--
Aggravated	1,653	1,609	-2.7	8.1	7.8	-2.7
Simple	3,431	3,497	1.9	16.7	17.0	1.9
Crimes of theft	12,992	12,533	-3.5	63.3	61.0	-3.6
Personal larceny						
With contact	552	482	-12.7	2.7	2.3	-12.7
Without contact	12,436	12,050	-3.1	60.6	58.7	-3.1
Household crimes	15,640	15,774	.9%	161.5	162.9	.9%
Household burglary	5,093	5,138	.9	52.6	53.1	.9
Household larceny	8,602	8,524	-.9	88.8	88.0	-.9
Motor vehicle theft	1,948	2,112	8.4	20.1	21.8	8.5

Note: Detail may not add to totals shown because of rounding. Victimization rates are calculated on the basis of the number of victimizations per 1,000 persons age 12 or older or per 1,000 households. Percent change is based on unrounded numbers. --Less than 0.5%.

Preliminary estimates

In April 1992 the Bureau of Justice Statistics released preliminary NCVS victimization levels, rates, and police reporting data for 1991. For most crimes the preliminary rate estimates were close to the final ones. For example, the rate for simple assault increased 1.9% from 16.7 victimizations per 1,000 persons in the preliminary estimate to 17.0 in the final estimate (table 9).⁵

Preliminary numbers indicated that the level and rate of violent crime overall, as well as the rates for the specific crimes of rape and simple assault, had increased somewhat between 1990 and 1991. The levels for each of these crimes were also estimated to have increased significantly. The final data for 1991, however, show some differences: Rates of violent crime and rape were not significantly different from the previous year, while the total theft rate, driven by a decrease in personal larcenies with contact, actually declined somewhat. For crime levels, the number of rapes estimated in the final data for 1991 was not measurably different from that recorded in 1990.

⁵For a complete discussion of preliminary estimation procedures, see *Criminal Victimization, 1983*, BJS Bulletin, NCJ-93869, June 1984.

Comparison of findings from the National Crime Victimization Survey and the Uniform Crime Reports

The U.S. Department of Justice administers two programs to measure the magnitude, nature, and impact of crime in the United States: the National Crime Victimization Survey (NCVS), the source of this report, and the Uniform Crime Reporting Program (UCR).

Because of differences in methodology and crime coverage, the two programs

examine the Nation's crime problem from somewhat different perspectives, and their results are not strictly comparable. The definitional and procedural differences can account for many of the apparent discrepancies in estimates from the two programs. The Department of Justice fact sheet *The Nation's Two Crime Measures* (NCJ-122705) contains a detailed description of the NCVS and UCR.

Criminal Victimization, 1991 95 percent confidence intervals

	Number	95% confidence interval	Rate	95% confidence interval
Personal crimes	18,956,060	18,397,677 — 19,514,443	92.3	89.6 — 95.0
Violent crime	6,423,510	6,087,715 — 6,759,305	31.3	29.7 — 32.9
Rape	173,310	117,293 — 229,327	.8	.6 — 1.1
Robbery	1,145,020	1,001,378 — 1,288,662	5.6	4.9 — 6.3
Assault	5,105,170	4,804,820 — 5,405,520	24.9	23.4 — 26.3
Aggravated	1,608,580	1,438,520 — 1,778,640	7.8	7.0 — 8.7
Simple	3,496,580	3,247,016 — 3,746,144	17.0	15.8 — 18.2
Personal theft	12,532,550	12,070,770 — 12,994,330	61.0	58.8 — 63.3
Burglary	5,138,310	4,837,012 — 5,439,608	53.1	50.0 — 56.1
Household theft	8,523,660	8,138,894 — 8,908,426	88.0	84.1 — 91.9
Motor vehicle theft	2,112,330	1,917,693 — 2,306,967	21.8	19.8 — 23.8

Estimates have been rounded to the nearest tenth.

This Bulletin was written by Lisa D. Bastian with assistance from Marshall M. DeBerry, Jr. and Tina Dorsey. Lisa D. Bastian designed the layout of the report. Review, editorial, and post-production assistance was provided by Thomas Hester, Marilyn Marbrook, and Jayne Pugh.

October 1992, NCJ-136947

Bureau of Justice Statistics is a component of the Office of Justice Programs which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., ACTING AAG, OJP
To: AG. ODD: NONE
Date Received: 10-16-92 Date Due: NONE Control #: X92101615204
Subject & Date
10-15-92 MEMO ENCLOSING A COPY OF A BJS NEWS STORY THAT IS
SCHEDULED FOR RELEASE ON OCTOBER 25, 1992, CONCERNING
CAPITAL PUNISHMENT 1991. ADVISES THAT A COPY OF THE
RELEASE HAS BEEN TRANSMITTED TO PAO WHERE IT IS UNDER
REVIEW. A COPY HAS ALSO BEEN TRANSMITTED TO OLS.

	Referred To:	Date:		Referred To:	Date:	
(1)	OAG;	10-16-92	(5)			W/IN:
(2)			(6)			
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(4)			(8)			1
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	Sig. For:	NONE		Date Released:		MAU

Remarks
CC INDICATED FOR OLS (SCOTT).
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(1) FOR INFORMATION.

Other Remarks:

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15
October 92



U.S. Department of Justice

Office of Justice Programs

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'92 OCT 16 P1:43

EXECUTIVE SECRETARIAT

OCT 15 1992

MEMORANDUM TO: William P. Barr
Attorney General

FROM: Steven D. Dillingham, Ph.D.
Acting Assistant Attorney General *SD*

SUBJECT: Bureau of Justice Statistics News Release--
Capital Punishment 1991

Attached for your information is a copy of a Bureau of Justice Statistics news story that is scheduled for release on October 25 that says eight states executed 14 prisoners last year, increasing to 157 the total number of executions in the U.S. between 1976, when the Supreme Court reaffirmed the death penalty's constitutionality, and December 31, 1991, according to a report published today by the Bureau of Justice Statistics (BJS). Since 1977, 4,101 prisoners have been under a death sentence for varying lengths of time. Of these men and women, the 157 who have been executed account for 3.8 percent of the total. Whites, blacks and Hispanics had almost identical probabilities of being executed--4 percent for white prisoners and 3.8 percent for both black and Hispanic inmates.

Those executed during 1991 had spent an average of 9 years and 8 months awaiting execution, about 1 year and 9 months longer on the average than the 23 people executed during 1990.

As of last December 31, 34 states and the federal system had 2,482 prisoners awaiting execution--a 5.8 percent increase over the number held at the end of 1990. The most were in Texas(340), Florida (311), California (301), Pennsylvania (137), Illinois (132), Oklahoma (125), Alabama (119), Ohio (111) and Georgia (101).

About 70 percent of the offenders on death row for whom criminal history information was available had a prior felony conviction, and about one in 12 had a prior homicide conviction. About 40 percent of those sentenced to death were involved with the criminal justice system at the time they committed their new capital offense. Half of these were on parole. The rest were in prison, had escaped from prison, were on probation or had other charges pending against them. Almost 15 percent of those sentenced to death from 1988 through 1991 had received two or more death sentences.

The death row inmates were 59.0 percent white, 39.6 percent black, 0.9 percent American Indian and 0.5 percent Asian. Hispanic prisoners accounted for 7.4 percent of those sentenced to capital punishment. Thirty-four of the people awaiting execution (1.4 percent) were women. Half of all death row prisoners were 34 years old or older. About 58 percent were held by Southern states. Western states held 21 percent, Midwestern states, 15 percent and the Northeastern states almost 6 percent. One prisoner was held in federal custody.

During 1991 the states executed the following number of prisoners:

Texas	5
Florida	2
Virginia.	2
Georgia	1
Louisiana.	1
Missouri.	1
North Carolina	1
South Carolina.	1

Of the 157 executions in 16 states from 1977 through 1991, 59.9 percent were white (including one white female), and 40.1 percent were black. There were 10 Hispanic male prisoners executed, of whom nine were white and one black.

Of those executed since 1977, 61 were by lethal injection, 90 were electrocuted, five received lethal gas and one execution was by a firing squad.

The jurisdictions without a death penalty as of the end of last year were Alaska, the District of Columbia, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, Vermont, West Virginia and Wisconsin.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Acting Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services

ADVANCE FOR RELEASE AT 5 P.M. EDT
WEDNESDAY, OCTOBER 21, 1992

BJJS
202-307-0784

ALMOST 2,500 PRISONERS AWAIT EXECUTION

WASHINGTON, D.C. -- Eight states executed 14 prisoners last year, increasing to 157 the total number of executions in the U.S. between 1976, when the Supreme Court reaffirmed the death penalty's constitutionality, and December 31, 1991, according to a report published today by the Bureau of Justice Statistics (BJS). "Since 1977, 4,101 prisoners have been under a death sentence for varying lengths of time," noted BJS Director Steven D. Dillingham. "Of these men and women, the 157 who have been executed account for 3.8 percent of the total. Whites, blacks and Hispanics had almost identical probabilities of being executed--4 percent for white prisoners and 3.8 percent for both black and Hispanic inmates."

BJS, a Department of Justice component in the Office of Justice Programs, reported that those executed during 1991 had spent an average of 9 years and 8 months awaiting execution, about 1 year and 9 months longer on the average than the 23 people executed during 1990.

As of last December 31, 34 states and the federal system had

-MORE-

2,482 prisoners awaiting execution--a 5.8 percent increase over the number held at the end of 1990. The most were in Texas(340), Florida (311), California (301), Pennsylvania (137), Illinois (132), Oklahoma (125), Alabama (119), Ohio (111) and Georgia (101).

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About 40 percent of those sentenced to death were involved with the criminal justice system at the time they committed their new capital offense. Half of these were on parole. The rest were in prison, had escaped from prison, were on probation or had other charges pending against them.

Almost 15 percent of those sentenced to death from 1988 through 1991 had received two or more death sentences.

The death row inmates were 59.0 percent white, 39.6 percent black, 0.9 percent American Indian and 0.5 percent Asian. Hispanic prisoners accounted for 7.4 percent of those sentenced to capital punishment. Thirty-four of the people awaiting execution (1.4 percent) were women.

Half of all death row prisoners were 34 years old or older. About 58 percent were held by Southern states. Western states held 21 percent, Midwestern states, 15 percent and the

Northeastern states almost 6 percent. One prisoner was held in federal custody.

During 1991 the states executed the following number of prisoners:

Texas	5
Florida	2
Virginia.	2
Georgia	1
Louisiana.	1
Missouri.	1
North Carolina	1
South Carolina.	1

Of the 157 executions in 16 states from 1977 through 1991, 59.9 percent were white (including one white female), and 40.1 percent were black. There were 10 Hispanic male prisoners, executed, of whom nine were white and one black.

Of those executed since 1977, 61 were by lethal injection, 90 were electrocuted, five received lethal gas and one execution was by a firing squad.

The jurisdictions without a death penalty as of the end of last year were Alaska, the District of Columbia, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, Vermont, West Virginia and Wisconsin.

Single copies of the BJS bulletin, "Capital Punishment 1991" (NCJ-136946) and other BJS information and publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is

1-301-251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784. The statistics are also available from the National Archive of Criminal Justice Data at the University of Michigan by calling 1-800-999-0950.

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Bureau of Justice Statistics Bulletin

Capital Punishment 1991

By Lawrence A. Greenfeld
BJS Statistician

Eight States executed 14 prisoners during 1991, bringing the total number of executions to 157 since 1976, the year that the U.S. Supreme Court reinstated the death penalty. Those executed during 1991 had spent an average of 9 years and 8 months awaiting execution, about 1 year and 9 months longer on average than the 23 persons executed during 1990.

During 1991, 265 prisoners were received by State prison systems and 1 prisoner entered the Federal prison system under a sentence of death from the courts. During the year, 106 persons had their death sentence vacated, 2 had their sentence commuted, 1 received a conditional pardon by the governor, and 7 died while under a death sentence. At yearend, 34 States and the Federal prison system reported a total of 2,482 prisoners under sentence of death, a 5.8% increase over the number held at the end of 1990. All prisoners under sentence of death on December 31, 1991, had been convicted of murder. The median time since the death sentence was imposed for the 2,482 prisoners was 5 years.

About 7 out of 10 offenders under sentence of death for whom criminal history data were available had a prior felony conviction; about 1 in 12 had a prior homicide conviction. About 2 in 5 condemned prisoners had a criminal justice status at the time of the capital offense. Half of these were on parole; the rest were in prison, on escape from prison, on probation, or they had charges pending against them. Nearly 15% of those sentenced to death between 1988 and 1991 had received 2 or more death sentences.

Status of the death penalty, December 31, 1991

Executions during 1991	Number of prisoners under sentence of death	Jurisdictions without a death penalty
Texas 5	Texas 340	Alaska
Florida 2	Florida 311	District of Columbia
Virginia 2	California 301	Hawaii
Georgia 1	Pennsylvania 137	Iowa
Louisiana 1	Illinois 132	Kansas
Missouri 1	Oklahoma 125	Maine
North Carolina 1	Alabama 119	Massachusetts
South Carolina 1	Ohio 111	Michigan
Total 14	Georgia 101	Minnesota
	26 other jurisdictions 805	New York
	Total 2,482	North Dakota
		Rhode Island
		Vermont
		West Virginia
		Wisconsin

Figure 1

October 1992

This Bulletin marks the 62nd consecutive year that the Federal Government has published statistics on executions. Since 1953 the Federal Government has also provided data on persons under sentence of death, expanding in recent years to include criminal history information and whether the condemned had a status with the criminal justice system at the time of the capital offense. Data are collected prospectively on each case after entering a death-sentence status so that removals of a death sentence, executions, and other changes in status are systematically followed. The series also tracks changes in statutes relating to the death penalty and

major cases decided which may affect the application of the death penalty.

Computerized data on individuals who have been sentenced to death since 1973 are available to the public through the BJS-sponsored National Archive of Criminal Justice Data.

I would like to thank the many persons in State and Federal corrections agencies and offices of State attorneys general who make this annual report possible.

Steven D. Dillingham, Ph.D.
Director

The majority, 1,464 (59.0%), of those under sentence of death were white; 982 (39.6%) were black; 23 (0.9%) were American Indian; and 13 (0.5%) were Asian. Hispanic prisoners (184) accounted for 7.4% of those under a death sentence. Thirty-four (1.4%)

of those under a death sentence were female. The median age of all inmates under a death sentence was 34 years and the median age at which they had been sentenced to death was 29 years.

About 58% of those under sentence of death were held by States in the South. Western States held an additional 21%; Midwestern States, 15%; and the Northeastern States of Connecticut, New Jersey, and Pennsylvania, just under 6%. Texas had the largest number of condemned inmates (340), followed by Florida (311), California (301), Pennsylvania (137), and Illinois (132). One prisoner was in Federal custody under a death sentence on December 31, 1991.

During 1991, 30 State prison systems and the Federal prison system received a total of 266 prisoners under sentence of death from courts. Florida (45 admissions), Texas (26 admissions), California (24 admissions), and Pennsylvania (19 admissions) accounted for 43% of the inmates entering prison under a death sentence during the year.

The 14 executions in 1991 were carried out by 8 States: 5 in Texas, 2 each in Florida and Virginia, and 1 each in Georgia, Louisiana, Missouri, North Carolina, and South Carolina. Seven of those executed were white males (including one Hispanic male) and seven were black males. Seven of the executions were carried out by lethal injection and seven by electrocution.

From the beginning of 1977 to the end of 1991, a total of 157 executions were carried out by 16 States. Of these, 94 (59.9%) were white, and 63 (40.1%) were black. Those executed included 10 Hispanic males (9 white and 1 black) and 1 white female. Over the same period, 3,719 admissions under sentence of death occurred, of which 2,182 (58.7%) were white, 1,481 (39.8%) were black, and 56 (1.5%) were of other races. A total of 248 Hispanics (6.7%) were among the admissions over the period. During the same years, 1,462 removals from a death sentence occurred as a result of dispositions other than execution (resentencing, retrial, commutation, or death while awaiting execution). Of those removed from a death sentence, 824 (56.4%) were white, 618 (42.3%) were black, and 20 (1.4%) were of other races. There were 69 Hispanics (4.7%) who had their death sentences removed during the period.

Persons under sentence of death, 1953-91

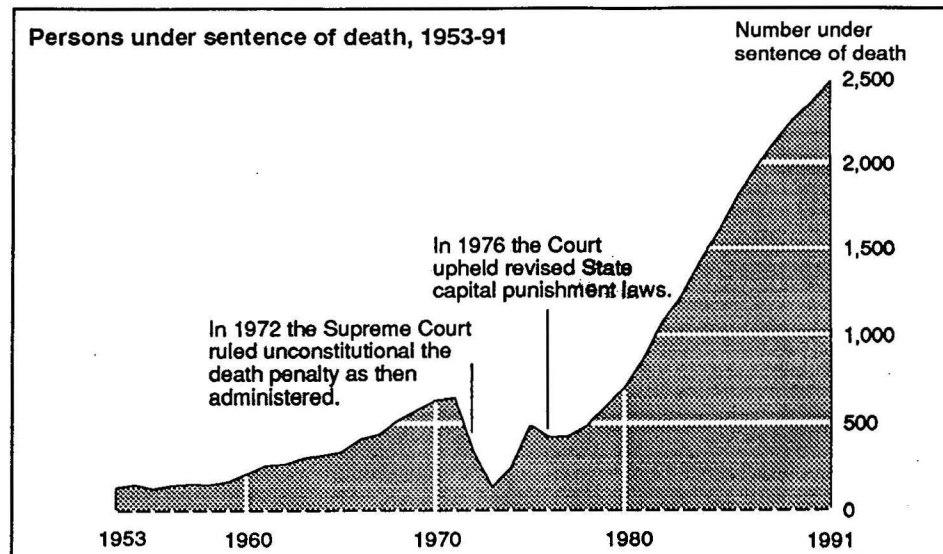


Figure 2

Capital punishment in the courts¹

Parker v. Dugger (decided January 22, 1991)

This case dealt with the question of the adequacy of the consideration given to mitigating evidence by both the trial judge and the Florida Supreme Court. The case arose from a triple murder related to drug trafficking. The petitioner was convicted of first-degree murder in two of the killings and third-degree murder in the other death. The advisory jury concluded that sufficient aggravating circumstances existed to support a sentence of death but recommended the imposition of two life sentences, finding that the mitigating circumstances outweighed the aggravating circumstances. The judge overruled the jury on one of the counts and sentenced the petitioner to death concluding that six statutory aggravating circumstances and no statutory mitigating factors were present. The Florida Supreme Court affirmed the conviction and sentence after striking two aggravating factors found by the trial judge and concluding that there were no mitigating factors.

In a habeas corpus proceeding, a U.S. district court granted relief, finding that, though the record contained indications of nonstatutory mitigating evidence, it did not show any consideration of such evidence by the trial judge or the Florida Supreme Court. The U.S. court of appeals disagreed with the district court finding that the record was sufficient to indicate that the judge had

found the presence of mitigating factors but viewed them to be insufficient relative to the evidence of aggravation. The Supreme Court concluded that while the trial judge's weighing of aggravating and mitigating factors was sufficient, the Florida Supreme Court erred in failing to properly reweigh the circumstances after striking two of the aggravating factors.

Ford v. Georgia (decided February 19, 1991)

The Supreme Court dealt with the issue of the timeliness of an objection to a prosecutor's use of peremptory challenges in the selection of jurors. The petitioner, who was black, was charged with the rape, kidnaping, and murder of a white woman. The petitioner had filed a pretrial motion indicating to the court that the prosecutor had a long history of using peremptory challenges to remove black persons from juries when the victim and defendant were of different races. The need to establish a pattern of racial discrimination in jury selection had been previously set forth in *Swain v. Alabama*. The trial judge in denying the motion noted that he had observed a number of cases in which white jurors had been struck and black jurors seated in trials of black defendants. During jury selection, the prosecution used 9 of its 10 peremptory challenges to strike black jurors and the final jury selected contained one black juror.

Following conviction and receiving a sentence to death, the petitioner appealed to the Supreme Court of Georgia alleging racial bias in the selection of jurors in violation of the sixth amendment. The

¹ See page 17 for citations.

appeal was denied and the conviction and sentence were affirmed. While considering the petitioner's request for certiorari, the Supreme Court handed down **Batson v. Kentucky** which offered a more lenient standard on allegations of racial bias in jury selection than was the case in the **Swain** decision — defendants only had to prove the existence of racial bias in their own case and not a prior history of race-based jury selection. A subsequent decision (**Griffith v. Kentucky**) concluded that the **Batson** rule could be applied retroactively and the Supreme Court remanded the petitioner's case to the Georgia Supreme Court for consideration in light of these rulings. The Georgia Supreme Court, in reviewing the case a second time, concluded that a **Batson** claim could not be made because the objection to the jury selection process was made in a pretrial motion when it should have been raised after the jurors were selected based upon another ruling on **Batson** requirements (**State v. Sparks**) and was barred from Federal review. The Supreme Court concluded that the timeliness rules set down in **Sparks** were not a bar to Federal review of the petitioner's claim under **Batson** and the Georgia Supreme Court erred in setting down a new rule in **Sparks** which had not been in existence at the time the petitioner had been tried. A unanimous High Court reversed and remanded the case.

Arizona v. Fulminante (decided March 26, 1991)

This case involved the issue of a coerced confession to an Arizona murder by a Federal prisoner who was serving time for an unrelated crime. The petitioner befriended a fellow Federal inmate who was a paid informant for the Federal Bureau of Investigation and posing as an organized crime figure. When the informant offered to protect the petitioner from hostile inmates in return for information about the murder, the petitioner confessed that he had sexually assaulted, choked, and shot his 11-year-old stepdaughter after making her beg for her life. The petitioner reiterated the confession to the informant's wife after discharge from Federal prison.

The trial court denied the defendant's motions to suppress both confessions to the murder, rejecting his assertion that the first confession had been coerced and the second confession was the "fruit" of the first. He was subsequently convicted and sentenced to death. On initial appeal to the Arizona Supreme Court, that court found

that the confession had been coerced but that its admission into evidence at trial was harmless error. After a motion for reconsideration, the Arizona Supreme Court, concluded that U.S. Supreme Court precedents precluded the use of harmless error analysis when applied to coerced confessions and reversed the conviction, ordering the defendant's retrial without the confession. The U.S. Supreme Court granted review of this case because of the apparent confusion across the State and Federal judiciary about coerced confessions and the applicability of harmless error analysis.

The High Court affirmed the Arizona Supreme Court's judgment concluding that the confession had been coerced and observed that the record revealed that both the prosecution and trial court recognized the central importance of the confession in both the conviction and sentencing phases of the trial. The Court split (5 to 4) in favor of a conclusion that the State had failed to adequately meet its burden of demonstrating that the confession did not affect the conviction and was, therefore, harmless error.

McCleskey v. Zant (decided April 16, 1991)

This case deals with the question of abuse of the protections of the writ of habeas corpus by a petitioner who was convicted of the murder of a police officer during the robbery of a furniture store and was sentenced to death. Among the evidence presented at trial was the testimony of another inmate held in the jail cell adjacent to that of the petitioner after his arrest. The witness said that the petitioner, while in jail, had boasted about killing the police officer.

After the conviction and sentence were affirmed by the Georgia Supreme Court, the petitioner filed a State habeas corpus claim indicating that his statements to a fellow jail inmate had been induced by the State without assistance of counsel in violation of findings of the Supreme Court in **Massiah v. United States**. The State habeas request was denied and the petitioner subsequently filed a Federal habeas petition which failed to raise a claim under **Massiah**. The U.S. district court granted relief on the habeas petition but was subsequently reversed by the U.S. court of appeals. The Supreme Court ultimately reviewed the case to evaluate the constitutionality of Georgia's death sentencing procedures and rejected the petitioner's claim.

The petitioner then filed a second state habeas claim contending that there was evidence about the State's relationship with the jailhouse witness which had not been disclosed at the time of trial. This request was also denied by the Supreme Court of Georgia. A second Federal habeas claim was subsequently filed, alleging violation of the requirements set forth in **Massiah**. Evidence obtained by the petitioner regarding the State's relationship with the jailhouse witness was found to be sufficient for the district court to grant relief based upon **Massiah**. The court of appeals reversed, however, concluding that the petitioner had abandoned his **Massiah** claim because it was not mentioned in the first Federal petition for habeas corpus relief. The Court of appeals concluded that the second Federal petition represented an abuse of the use of the writ. The Supreme Court affirmed the judgment of the court of appeals leaving the conviction and death sentence intact.

Lankford v. Idaho (decided May 20, 1991)

In this split opinion (5-4) the Supreme Court reversed an Idaho Supreme Court's imposition of a death sentence on the grounds that the sentencing procedure violated the due process clause of the 14th amendment because it failed to provide adequate notice that the judge could sentence the defendant to death. The petitioner had been charged, together with his brother, with the beating deaths of a husband and wife who had been camping. Following the petitioner's arraignment on two counts of first-degree murder, the trial judge advised the petitioner that the maximum penalty upon conviction of either count was life imprisonment or death. The prosecutor determined that the petitioner's brother was somewhat more culpable for the crimes and sought a reduced sentence for the petitioner in exchange for a guilty plea. The trial judge refused to accept the plea bargain and the petitioner was subsequently convicted by a jury of both counts.

The trial court then entered a presentencing order which obligated the State to provide notice if it intended to seek the death penalty. The prosecutor responded that the State "...will not be recommending the death penalty as to either count of first-degree murder for which the defendant was earlier convicted." Throughout the sentencing hearing, neither prosecutor nor defense discussed the death penalty but at the hearing's conclusion the trial judge

sentenced the petitioner to death. The Supreme Court held that the trial court failed to give sufficient notice of its intention to impose the death sentence in spite of the trial court's notice, at arraignment, that the death penalty was a potential sentence after conviction. The High Court concluded that the presentencing order had the effect of limiting the issues to be debated at sentencing and the result was that the petitioner made no effort to rebut the aggravating circumstances found by the judge.

Yates v. Evatt
(decided May 28, 1991).

The Supreme Court also reversed the imposition of the death penalty in this case. This South Carolina case arose as a result of a convenience store robbery in which the mother of the store clerk was stabbed to death during a struggle between her son and one of the robbers. The petitioner had left the store prior to the murder after shooting and wounding the clerk. The robber who committed the homicide was shot to death by the store clerk. The petitioner was arrested and charged with murder, robbery, and other offenses including conspiracy. The murder charge was determined based upon the accomplice liability provision within South Carolina law, since that State does not have a statute encompassing felony-murder circumstances. The trial judge instructed the jury that in order to convict, the murder statute required the jury to find "malice aforethought," and he indicated that malice could be inferred from the use of a deadly weapon. The petitioner was subsequently convicted on all charges and the conviction was upheld by the State Supreme Court.

In a habeas corpus petition to the State Supreme Court, the petitioner alleged that the judge's instruction on the presumption of malice from the presence of a weapon was unconstitutional "burden shifting" from the prosecution to the petitioner based upon rulings by the U.S. Supreme Court in two other cases (*Sandstrom v. Montana* and subsequently *Francis v. Franklin*). The State Supreme Court denied the petition but the U.S. Supreme Court vacated the sentence and remanded the case concluding that the instruction was improper. On remand, the South Carolina Supreme Court found the jury instruction unconstitutional but concluded that the relevant rulings were not retroactive and reinstated the conviction.

Once again the U.S. Supreme Court took up the case concerned about the attention given by South Carolina to relevant decisions by the High Court. The U.S. Supreme Court again vacated the judgment of the South Carolina Supreme Court and held that the ruling in *Francis* was retroactive and the case was remanded for further proceedings. Again the South Carolina Supreme Court took up the case, concluding that two instructions on malice were erroneous but that these errors were harmless. On the third review by the U.S. Supreme Court, the High Court found that the State Supreme Court had applied an improper standard in its harmless error analysis and that the jury instructions could not be treated as harmless error — in particular, the State Supreme Court had apparently misread the record of the stabbing murder, concluding that the victim had been stabbed multiple times when the record revealed a single stab wound only.

Mu'Min v. Virginia
(decided May 30, 1991)

In this case the Supreme Court examined the issue of pretrial publicity and its effects on potential jurors. The petitioner was a convicted first-degree murderer who, while assigned to highway road work, escaped and robbed and murdered the female owner of a nearby store. The petitioner then returned to the prison work crew. After being charged with the murder, the petitioner and the case were the subjects of substantial media attention. Prior to trial, the petitioner requested a change of venue, a request which was deferred by the trial judge until after an attempt to select a jury. The petitioner requested that prospective jurors be questioned individually and that a list of 64 questions, most focusing upon the extent and content of exposure to pretrial publicity, be used during the voir dire. The trial judge denied the requests and conducted the jury selection process initially with the entire venire and then questioned smaller panels of four prospective jurors each about the effect of pretrial publicity on their opinion of the case. Eight of the 12 persons eventually sworn as jurors answered on voir dire that they had read or heard something about the case. None of these eight indicated that they had formed an opinion that would affect their ability to determine guilt or innocence. The jury subsequently convicted the petitioner and he was sentenced to death.

The petitioner appealed to the Supreme Court of Virginia contending that the jury selection process had been inadequate in

terms of uncovering the effects of the pretrial publicity. The Supreme Court of Virginia affirmed the conviction, however, concluding that the petitioner's right is only to determine the impartiality of jurors. The U.S. Supreme Court affirmed the findings of the Virginia courts concluding that the two-part jury selection process used by the trial judge satisfied the sixth amendment right to an impartial jury and the 14th amendment right to due process.

Schad v. Arizona
(decided June 21, 1991)

In this case the High Court dealt with two issues: whether jurors need to agree upon the mode of commission of a murder where the first degree murder statute describes both premeditated and felony murder and whether the court needs to give the jury an instruction on robbery as a lesser included offense.

The petitioner was convicted of the first-degree murder of a 74-year-old man who had been strangled by a rope and whose decomposed body was found near a roadside. The petitioner had been arrested in Utah while driving the victim's car and had in his possession the victim's wallet and credit cards which the petitioner had used. During the trial for first-degree murder, the prosecutor offered descriptions of the murder which encompassed both premeditated murder and felony murder, two types of murder described in the Arizona statute on murder in the first-degree. The defense argued that the only offense supported by the evidence was theft and requested that the trial judge provide the jury with an instruction on theft as a lesser included offense. The trial judge denied this request and advised the jurors that they could also convict on second-degree murder or find the defendant not guilty. The jury found the petitioner guilty of first degree murder and the judge sentenced him to death.

The Arizona Supreme Court in a split decision, affirmed the conviction holding that the jury need not unanimously indicate whether they believed the defendant committed premeditated murder or felony-murder and that the judge did not err by failing to provide instruction on the lesser included offense of robbery. The U.S. Supreme Court agreed with the findings of the Arizona courts and affirmed the conviction holding that juries need not agree on the mode of first-degree murder and that prior case law (*Beck v. Alabama*) did not entitle the petitioner to an instruction

on robbery as a lesser included offense — the option of finding the petitioner guilty of second-degree murder satisfied the need to provide a non-capital option should the jury determine the capital verdict inappropriate.

Coleman v. Thompson
(decided June 24, 1991)

This case focused upon the issue of State procedural bars to Federal review of habeas corpus petitions. The petitioner, convicted of rape and capital murder by a Virginia jury, had his conviction and death sentence affirmed by the Virginia Supreme Court and filed a habeas corpus petition with the circuit court in the same county in which he had been convicted.

The habeas petition raised a number of constitutional claims which had not been raised in the direct appeal before the Virginia Supreme Court and the circuit court denied the petition. The petitioner filed a subsequent notice of appeal with the circuit court 33 days after final judgment had been entered 3 days later than permitted under the rules of the Virginia Supreme Court. The request for appeal of the habeas disposition was dismissed by the Virginia Supreme Court, and the petitioner subsequently filed a habeas petition in U.S. district court, alleging four constitutional claims cited in the appeal and seven additional claims from the State habeas petition.

The district court dismissed all 11 claims, concluding that the 7 claims contained in the State habeas petition had been procedurally defaulted, and this decision was affirmed by the court of appeals. The court of appeals held that the claims made in the State habeas petition were barred from Federal review because of the untimely filing of the notice of appeal within the State court system. The U.S. Supreme Court, in its review, affirmed (by a 6-to-3 vote) the lower courts' decisions, noting that federalism "concerns the respect that Federal courts owe the States and the States' procedural rules when reviewing the claims of State prisoners in Federal habeas corpus."

Payne v. Tennessee
(decided June 27, 1991)

In this case the Supreme Court addressed the issue of the use of victim impact statements during the sentencing phase of a capital trial. The case arose from a multiple murder in which the petitioner had used a butcher knife to stab to death a 28-year-old

mother and her 2-year-old daughter after attempting to sexually assault the mother. Another child, age 3, survived multiple stab wounds even though many of the wounds fully penetrated his body from front to back. After conviction for the two murders and the assault, the petitioner presented evidence from his girlfriend, parents, and a psychologist to be used as mitigation during the sentencing phase. The prosecution presented evidence from the victim's mother (the children's grandmother) on the effect of the murders and the assault on the surviving child. These statements by the grandmother were then used by the prosecutor in the closing arguments during the sentencing phase. The petitioner was sentenced to death by the jury on each of the murder counts.

On appeal to the Supreme Court of Tennessee, the petitioner alleged that the admission of the grandmother's testimony violated eighth amendment constraints on the use of victim impact statements imposed in *Booth v. Maryland* and was improperly used by the prosecutor in his closing based upon *South Carolina v. Gathers*. The Supreme Court of Tennessee held that the admission of the victim impact evidence was "harmless beyond a reasonable doubt" and was irrelevant to the jury's sentence and concluded that the prosecutor's comments during his closing were relevant to assessing the blameworthiness of the petitioner. The U.S. Supreme Court overruled its prior holdings in *Booth* and in *Gathers* and concluded that "if the State chooses to permit the admission of victim impact evidence and prosecutorial argument on the subject, the eighth amendment erects no per se bar," and affirmed the decisions of the Tennessee courts. Concurring and dissenting opinions were filed.

Capital punishment laws

At yearend 1991 the death penalty was authorized by the statutes of 36 States and by Federal statute (table 1).¹ Two jurisdictions, Colorado and New Hampshire, had their statutes struck during the year by State court decisions. On July 9, 1991, the Supreme Court of Colorado in *People V. Young* (814 P.2d 834 (Colo. 1991)) affirmed the decision of a State trial court in a murder case concluding that Colorado's capital punishment statute was unconstitutional, violative of both the due process and the cruel and unusual punishment

clauses in the State constitution. The supreme court found that the language which required a sentence of death if the mitigating factors did not outweigh the aggravating factors would result in a mandatory death sentence if the two sets of factors were equally balanced and that such language introduced uncertainty and unreliability into the capital sentencing procedures. The legislature repealed and reenacted a new death penalty provision which became effective on September 20, 1991, and also passed legislation to retroactively deal with cases sentenced under the law which was struck (effective date of October 7, 1991).

On January 1, 1991, New Hampshire enacted a new set of provisions (RSA 630:5) designed to replace provisions relating to the application of the death penalty. The legislature, however, failed to indicate in the new section whether the procedures described were to be retroactively applied or were prospective only. In *State v. Johnson* (decided July 31, 1991), a murder case in which the defendant pled guilty, the trial court and the Supreme Court of New Hampshire concluded that because the new provisions contained two additional aggravating factors, resulting in a change in the substantive rights of the defendant, the death penalty statute could not be applied retroactively. The court also found that the prior provisions, which mentioned only jury-based adjudication and sentencing, could not be applied either because the defendant had pled guilty and the statute provided no procedures for such a circumstance.

No jurisdictions enacted legislation newly authorizing the death penalty during the year.

Statutory changes

During 1991, 10 States revised statutory provisions relating to the death penalty. Most of the changes entailed further specification of aggravating circumstances or more precise definition of capital murder. One State, Colorado, repealed and reenacted the entire section relating to the death penalty. One State, Louisiana, changed the method of execution from electrocution to lethal injection. California introduced language removing the need to prove an intent to kill on the part of the defendant in felony murders. By State, these statutory changes were as follows:

¹See Appendix II, p. 15-16, for a listing of Federal death penalty provisions.

Table 1. Capital offenses, by State, 1991

Alabama. Murder during kidnaping, robbery, rape, sodomy, burglary, sexual assault, or arson; murder of a peace officer, correctional officer, or public official; murder while under a life sentence; murder for pecuniary gain or contract; aircraft piracy; murder by a defendant with a previous murder conviction; murder of a witness to a crime. (13A-5-40)

Arizona. First-degree murder.

Arkansas. Capital murder as defined by Arkansas statute (5-10-101). Felony murder; arson causing death; intentional murder of a law enforcement officer; murder of prison, jail, court, or correctional personnel or of military personnel acting in line of duty; multiple murders; intentional murder of a public officeholder or candidate; intentional murder while under life sentence; contract murder.

California. Treason; homicide by a prisoner serving a life term; first-degree murder with special circumstances; train wrecking; perjury causing execution.

Colorado. First-degree murder; kidnaping with death of victim; felony murder.

Connecticut. Murder of a public safety or correctional officer; murder for pecuniary gain; murder in the course of a felony; murder by a defendant with a previous conviction for intentional murder; murder while under a life sentence; murder during a kidnaping; illegal sale of cocaine, methadone, or heroin to a person who dies from using these drugs; murder during first-degree sexual assault; multiple murders.

Delaware. First-degree murder with aggravating circumstances.

Florida. First-degree murder.

Georgia. Murder; kidnaping with bodily injury when the victim dies; aircraft hijacking; treason; kidnaping for ransom when the victim dies.

Idaho. First-degree murder; aggravated kidnaping.

Illinois. Murder accompanied by at least 1 of 11 aggravating factors.

Indiana. Murder with 12 aggravating circumstances.

Kentucky. Aggravated murder; kidnaping when victim is killed.

Louisiana. First-degree murder; treason. (La. R.S. 14:30 and 14:113)

Maryland. First-degree murder, either premeditated or during the commission of a felony.

Mississippi. Capital murder includes murder of a peace officer or correctional officer, murder while under a life sentence, murder by bomb or explosive, contract murder, murder committed during specific felonies (rape, burglary, kidnaping, arson, robbery, sexual battery, unnatural intercourse with a child, nonconsensual unnatural intercourse), and murder of an elected official. Capital rape is the forcible rape of a child under 14 years old by a person 18 years or older. Aircraft piracy.

Missouri. First-degree murder. (565.020 RSMO)

Montana. Deliberate homicide; aggravated kidnaping when victim or rescuer dies; attempted deliberate homicide, aggravated assault, or aggravated kidnaping by a State prison inmate who has a prior conviction for deliberate homicide or who has been previously declared a persistent felony offender. (46-18-303, MCA)

Nebraska. First-degree murder.

Nevada. First-degree murder.

New Hampshire. Contract murder; murder of a law enforcement officer; murder of a kidnaping victim; killing another after being sentenced to life imprisonment without parole.

New Jersey. Purposeful or knowing murder; contract murder.

New Mexico. First-degree murder; felony murder with aggravating circumstances.

North Carolina. First-degree murder. (N.C.G.S. 14-17)

Ohio. Assassination; contract murder; murder during escape; murder while in a correctional facility; murder after conviction for a prior purposeful killing or prior attempted murder; murder of a peace officer; murder

arising from specified felonies (rape, kidnaping, arson, robbery, burglary); murder of a witness to prevent testimony in a criminal proceeding or in retaliation. (O.R.C. secs. 2929.02, 2903.01, 2929.04)

Oklahoma. Murder with malice aforethought; murder arising from specified felonies (forcible rape, robbery with a dangerous weapon, kidnaping, escape from lawful custody, first-degree burglary, arson); murder when the victim is a child who has been injured, tortured, or maimed.

Oregon. Aggravated murder.

Pennsylvania. First-degree murder.

South Carolina. Murder with statutory aggravating circumstances.

South Dakota. First-degree murder; kidnaping with gross permanent physical injury inflicted on the victim; felony murder.

Tennessee. First-degree murder.

Texas. Murder of a public safety officer, fireman, or correctional employee; murder during the commission of specified felonies (kidnaping, burglary, robbery, aggravated rape, arson); murder for remuneration; multiple murders; murder during prison escape; murder by a State prison inmate.

Utah. Aggravated murder. (76-5-202, Utah Code annotated)

Virginia. Murder during the commission or attempts to commit specified felonies (abduction, armed robbery, rape, sodomy); contract murder; murder by a prisoner while in custody; murder of a law enforcement officer; multiple murders; murder of a child under 12 years during an abduction; murder arising from drug violations. (18.2-31, Virginia Code as amended)

Washington. Aggravated first-degree premeditated murder.

Wyoming. First-degree murder, including felony murder.

Arkansas — Amended the definition of capital murder to include knowingly causing the death of a person 14 years of age or younger under circumstances manifesting extreme indifference to the value of human life and added sections defining the aggravating circumstances in capital murder to include murder committed in an especially cruel or depraved manner and murder committed with a destructive device, bomb, or explosive.

California — As a result of Propositions 114 and 115, amended provisions relating to the murder of peace officers; revised sections of the penal code dealing with the definitions of first-degree murder, and the penalties for first-degree murder; enumerated 17 statutory special circumstances to be considered as aggravating factors during the sentencing phase; changed the language relating to the determination of

the intent to kill; defined the culpability and penalties for accomplices to first-degree murder; and, limited capital sentencing to those aged 18 or older at the time of the offense.

Colorado — Repealed and reenacted the entire section dealing with procedures for the imposition of sentences in class 1 felonies and, as a result of a Colorado Supreme Court decision (People v. Young, 814 P.2d 834 (Colo. 1991)) which struck in part the application of the death penalty proceeding for crimes committed between July 1, 1988, and September 20, 1991, added a new part designed to avert a hiatus in the imposition of the death penalty.

Delaware — Revised provisions relating to the jury's consideration of aggravating and mitigating evidence and changed the jury's role in sentencing to an advisory function,

with the judge responsible for the final determination of the appropriateness of the death penalty after a conviction for first-degree murder.

Illinois — Added an 11th aggravating circumstance related to state prisoners who commit felony murder or who participate in a conspiracy or solicitation to commit felonies which result in murder.

Louisiana — Changed the method of execution from electrocution to lethal injection for those executed on or after September 15, 1991.

New Hampshire — Revised the listing of capital murder offenses to include murders arising from felonious, aggravated sexual assaults and amended the procedures to be used in capital case processing and sentence imposition and execution.

Oregon — Clarified the role of alternate jurors during the sentencing phase of a capital trial if a juror who was present during the guilt phase is unable to serve; revised instructions to the jury about unanimity in weighing the "issues" relevant to the appropriateness of the death penalty; instituted an automatic stay of execution if the defendant seeks a review from the U.S. Supreme Court; and enumerated new procedures to be used on remand during a resentencing proceeding if prejudicial error is determined to have occurred during sentencing.

Utah — Changed the term "first-degree murder" to "aggravated murder" and changed the term "second-degree murder" to "murder" and, in the section describing aggravated circumstances in capital felony sentencing proceedings, changed the word "murder" to "homicide."

Virginia — Added murders resulting from forcible sodomy or attempted forcible sodomy to the listing of capital murder circumstances.

Method of execution

At yearend 1991 lethal injection (22 States) and electrocution (12 States) were the most common methods of execution authorized (table 2). Six States authorized lethal gas; three States, hanging; and two States, a firing squad. Nine States authorized more than one method — lethal injection and an alternative method — generally at the election of the condemned prisoner or based on the date of sentencing.

Some States have stipulated an alternative to lethal injection, anticipating that it may be found unconstitutional. Each of the other four methods, previously challenged on eighth amendment grounds as cruel and unusual punishment, has been found to be constitutional. The method of execution for Federal offenders is that of the State in which the execution takes place.

Automatic review

Of the 36 States with capital punishment statutes at yearend 1991, 34 provided for review of all death sentences regardless of the defendant's wishes. Arkansas had no specific provisions for automatic review, and Ohio (ORC Section 2929.05) provides for review by the Court of Appeals and the Supreme Court "upon appeal. The Federal death penalty procedures do not provide for automatic review after a sentence of death is imposed. While most of the 34 States authorized an automatic review of both the

conviction and sentence, Idaho, Indiana, and Montana require review of the sentence only. In Idaho, review of the conviction must be appealed or forfeited. In Indiana, a defendant may waive review of the conviction. Typically the review is undertaken regardless of the defendant's wishes and is conducted by the State's

highest appellate court. If either the conviction or the sentence is vacated, the case may be remanded to the trial court for additional proceedings or for retrial. It is possible that, as a result of retrial or resentencing, the death sentence may be reimposed.

Table 2. Method of execution, by State, 1991

<u>Lethal injection</u>	<u>Electrocution</u>	<u>Lethal gas</u>	<u>Hanging</u>	<u>Firing squad</u>
Arkansas ^{ab}	Alabama	Arizona	Montana ^a	Idaho ^a
Colorado ^{ac}	Arkansas ^{ab}	California	New Hampshire ^{ad}	Utah ^a
Delaware	Connecticut	Colorado ^{ac}	Washington ^a	
Idaho ^a	Florida	Maryland		
Illinois	Georgia	Mississippi ^{ae}		
Louisiana	Indiana	Missouri ^a		
Mississippi ^{ae}	Kentucky	North Carolina ^a		
Missouri ^a	Nebraska			
Montana ^a	Ohio			
Nevada	South Carolina			
New Hampshire ^{ad}	Tennessee			
New Jersey	Virginia			
New Mexico				
North Carolina ^a				
Oklahoma				
Oregon				
Pennsylvania				
South Dakota				
Texas				
Utah ^a				
Washington ^a				
Wyoming				

Note: Federal executions are to be carried out according to the method of the State in which they are performed.

^aAuthorizes 2 methods of execution.

^bArkansas authorizes lethal injection for those whose capital offense occurred after 7/4/83; for those whose offense occurred before that date, the condemned prisoner may select lethal injection or electrocution.

^cColorado authorizes lethal gas for those whose crimes occurred before 7/1/88 and lethal injection for those whose crimes occurred on or after 7/1/88.

^dNew Hampshire authorizes hanging only if lethal injection cannot be given.

^eMississippi authorizes lethal injection for those convicted after 7/1/84; execution of those convicted prior to that date is to be carried out with lethal gas.

Table 3. Minimum age authorized for capital punishment, yearend 1991

<u>Age less than 18</u>	<u>Age 18</u>	<u>None specified</u>
Alabama (16)	California	Arizona
Arkansas (14) ^a	Colorado	Delaware
Georgia (17)	Connecticut ^b	Florida
Indiana (16)	Illinois	Idaho
Kentucky (16)	Maryland	Montana
Louisiana (16)	Nebraska	Pennsylvania
Mississippi (16) ^c	New Jersey	South Carolina
Missouri (16)	New Mexico	Washington
Nevada (16)	Ohio	
New Hampshire (17)	Oregon	
North Carolina (17) ^d	Tennessee	
Oklahoma (16)	Federal system	
South Dakota ^a		
Texas (17)		
Utah (14)		
Virginia (15)		
Wyoming (16)		

Note: Ages at the time of the capital offense were indicated by the offices of the State attorneys general.

^aSee Arkansas Code Ann. 9-27-318(b)(1) (Repl. 1991).

^bSee Conn. Gen. Stat. 53a-46a(g)(1).

^cMinimum age defined by statute is 13, but effective age is 16 based on an interpretation of U.S. Supreme

Court decisions by the State attorney general's office.

^dAge required is 17 unless the murderer was incarcerated for murder when a subsequent murder occurred; the age then may be 14.

^eAge 10, but only after a transfer hearing to try a juvenile as an adult.

Minimum age

Eight States at the end of 1991 did not specify a minimum age at the time of the offense for which the death penalty may be imposed (table 3). In some States the minimum age is set forth in the statutory provisions that determine the age at which a juvenile may be transferred to criminal court for trial as an adult. Eleven States and the Federal death penalty require a minimum age of 18; the remaining States have indicated various ages of eligibility between 14 and 17.

Prisoners under sentence of death at yearend 1991

Thirty-four States and the Federal prison system reported a total of 2,482 prisoners under sentence of death on December 31, 1991, an increase of 136 or 5.8% over the count at the end of 1990 (table 4). States with the largest number of prisoners under sentence of death were Texas (340), Florida (311), California (301), Pennsylvania (137), and Illinois (132). Although 36 States (covering 78% of the

Nation's adult population) had statutes authorizing the death penalty, 2 of these reported no prisoners under sentence of death at yearend (New Hampshire and South Dakota).

Of the 2,482 persons under sentence of death, 1,434 (57.8%) were in Southern States, 521 (21.0%) were in Western States, 381 (15.4%) were in States in the Midwest, and 145 (5.8%) were confined in the Northeastern States of Connecticut, New Jersey, and Pennsylvania. One

Table 4. Prisoners under sentence of death, by region, State, and race, yearend 1990 and 1991

Region and State	Prisoners under sentence of death 12/31/90			Received under sentence of death			Removed from death row (excluding executions) ^a			Executed			Prisoners under sentence of death 12/31/91		
	Total ^b	White	Black	Total ^b	White	Black	Total ^b	White	Black	Total ^b	White	Black	Total ^b	White	Black
U.S. total	2,346	1,368	940	266	163	101	116	60	52	14	7	7	2,482	1,464	982
Federal ^c	0	0	0	1	1	0	0	0	0	0	0	0	1	1	0
State	2,346	1,368	940	265	162	101	116	60	52	14	7	7	2,481	1,463	982
Northeast	134	53	80	21	6	14	10	2	8	0	0	0	145	57	86
Connecticut	2	2	0	2	0	2	0	0	0	0	0	0	4	2	2
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	10	4	6	0	0	0	6	2	4	0	0	0	4	2	2
Pennsylvania	122	47	74	19	6	12	4	0	4	0	0	0	137	53	82
Midwest	362	169	191	37	21	16	17	5	12	1	0	1	381	185	194
Illinois	128	47	81	7	1	6	3	0	3	0	0	0	132	48	84
Indiana	48	32	16	3	2	1	2	1	1	0	0	0	49	33	16
Missouri	71	39	32	13	9	4	6	3	3	1	0	1	77	45	32
Nebraska	11	7	3	1	1	0	0	0	0	0	0	0	12	8	3
Ohio	104	44	59	13	8	5	6	1	5	0	0	0	111	51	59
South Dakota	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South	1,362	801	540	158	104	53	73	40	31	13	7	6	1,434	858	556
Alabama	117	58	58	6	4	2	4	2	2	0	0	0	119	60	58
Arkansas	33	21	12	2	1	1	1	0	1	0	0	0	34	22	12
Delaware	6	2	4	1	1	0	0	0	0	0	0	0	7	3	4
Florida	291	188	103	45	29	16	23	12	11	2	1	1	311	204	107
Georgia	99	53	46	7	2	5	4	1	3	1	0	1	101	54	47
Kentucky	27	21	6	3	3	0	0	0	0	0	0	0	30	24	6
Louisiana	32	14	18	7	3	4	1	0	1	1	0	1	37	17	20
Maryland	17	2	15	1	1	0	2	2	0	0	0	0	16	1	15
Mississippi	46	18	28	5	3	2	0	0	0	0	0	0	51	21	30
North Carolina	84	45	35	17	10	7	26	13	11	1	1	0	74	41	31
Oklahoma	117	80	28	12	6	5	4	3	1	0	0	0	125	83	32
South Carolina	40	17	23	8	7	1	2	2	0	1	1	0	45	21	24
Tennessee	85	57	23	12	10	2	0	0	0	0	0	0	97	67	28
Texas	323	201	117	26	19	7	4	3	1	5	3	2	340	214	121
Virginia	45	24	21	6	5	1	2	2	0	2	1	1	47	26	21
West	488	330	122	49	31	18	16	13	1	0	0	0	521	383	146
Arizona	87	77	7	13	11	2	3	3	0	0	0	0	97	85	9
California	280	173	99	24	11	13	3	2	0	0	0	0	301	182	112
Colorado	3	3	0	1	1	0	1	1	0	0	0	0	3	3	0
Idaho	19	19	0	2	2	0	0	0	0	0	0	0	21	21	0
Montana	6	4	0	0	0	0	0	0	0	0	0	0	6	4	0
Nevada	59	42	17	4	2	2	3	3	0	0	0	0	60	41	19
New Mexico	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0
Oregon	10	8	2	3	3	0	4	3	1	0	0	0	9	8	1
Utah	11	8	3	1	1	0	0	0	0	0	0	0	12	9	3
Washington	10	8	1	1	0	1	1	0	0	0	0	0	10	8	2
Wyoming	2	2	0	0	0	0	1	1	0	0	0	0	1	1	0

Note: States not listed and the District of Columbia did not authorize the death penalty as of 12/31/90. Some figures shown for yearend 1990 are revised from those reported in *Capital Punishment 1990*, NCJ-131648. The revised figures include 20 inmates who either were reported late to the National Prisoner Statistics Program or were not in the custody of State correctional authorities on 12/31/90 (4 in Florida, 3 each in Illinois and Texas, 2 each in Georgia and Nevada, and 1 each in Kentucky, Louisiana, Maryland, Ohio, Pennsylvania and Tennessee) and exclude 30 inmates who were relieved of the death sentence on or before 12/31/90 (12 in Florida, 4 in Arizona, 3 each in Illinois and Maryland, 2 each in Ohio and South Carolina, and 1 each in Georgia, Mississippi, Missouri, and Oklahoma).

^aIncludes 6 deaths due to natural causes (2 each in Pennsylvania and Florida, and 1 each in Missouri and California) and 1 suicide in Nevada.

^bTotals include persons of other races.

^cExcludes 5 males held under Armed Forces jurisdiction with a military death sentence for murder.

person was held by Federal authorities under sentence of death on December 31, 1991.

During the year the largest percentage increase in the number of prisoners under sentence of death occurred in Northeastern States with growth of 8.2% (an additional 11 offenders), followed by an increase of 6.8% (33 additional offenders) in the West, an increase of 5.3% (72 additional offenders) in the South, and an increase of 5.2% (19 additional offenders) in Midwestern States. Five States reported a decline in the number of prisoners under sentence of death at the end of 1991 compared to a year earlier: North Carolina reported 10 fewer than at the end of 1990; New Jersey reported a decline of 6 prisoners; and Maryland, Oregon, and Wyoming each reported holding 1 less inmate under sentence of death on December 31, 1991.

During 1991, the number of whites under sentence of death increased from 1,368 to 1,464, the number of blacks increased from 940 to 982, and the number of persons of other races (American Indians and Asians or Pacific Islanders) decreased from 38 to 36.

The number of Hispanics grew from 171 to 184, and the number of women increased by 2, from 32 to 34, over the year (table 5). During the year, 20 Hispanics were received under sentence of death, 6 were removed from death row, and 1 was executed. The largest numbers of Hispanic prisoners under sentence of death on December 31, 1991, were in Texas (56), California (38), Florida (31), and Arizona (19). The 34 women under sentence of death at yearend 1991 were held in 16 States. North Carolina (6), Alabama (5), and Oklahoma (4) held the largest numbers of women under a death sentence.

Since 1977 one woman has been executed.

State	Total	Women	
		White	Black
Total	34	22	12
North Carolina	6	5	1
Alabama	5	3	2
Oklahoma	4	3	1
Ohio	3	0	3
Texas	3	2	1
Florida	2	2	0
Mississippi	2	0	2
Missouri	2	2	0
Arizona	1	1	0
California	1	1	0
Kentucky	1	1	0
Nevada	1	0	1
Pennsylvania	1	0	1
South Carolina	1	1	0
Tennessee	1	1	0

Table 5. Hispanics and women under sentence of death, by State, 1990 and 1991

	Under sentence of death, 12/31/90		Received under sentence of death		Death sentence removed*		Under sentence of death, 12/31/91	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	171	32	20	4	7	2	184	34
Alabama	0	5	0	0	0	0	0	5
Arizona	19	0	2	1	2	0	19	1
Arkansas	1	0	0	0	0	0	1	0
California	37	1	2	0	1	0	38	1
Colorado	1	0	0	0	0	0	1	0
Florida	27	2	5	0	1	0	31	2
Georgia	1	0	0	0	0	0	1	0
Idaho	1	0	0	0	0	0	1	0
Illinois	8	0	0	0	0	0	8	0
Indiana	2	0	0	0	0	0	2	0
Kentucky	0	1	0	0	0	0	0	1
Mississippi	1	2	0	0	0	0	1	2
Nevada	6	1	1	0	0	0	7	1
Missouri	0	1	1	2	0	1	1	2
North Carolina	1	5	1	1	0	0	2	6
Ohio	5	4	1	0	1	1	5	3
Oklahoma	5	4	0	0	0	0	5	4
Oregon	0	0	0	0	0	0	0	0
Pennsylvania	3	1	0	0	1	0	2	1
South Carolina	0	1	0	0	0	0	0	1
Tennessee	0	1	1	0	0	0	1	1
Texas	51	3	6	0	1	0	56	3
Utah	2	0	0	0	0	0	2	0

*No women were executed during 1991. One Hispanic was executed during 1991 in Texas.

Nearly 99% (2,448) of those under a sentence of death were males, and the majority, 58.4%, were white (table 6). Blacks constituted 39.6% of those under sentence of death, and another 1.4% were American Indians (23) or Asian Americans (13). Of those for whom ethnicity was known, about 8% were Hispanic.

The race and sex of those under sentence of death at yearend 1989 were as follows:

	White	Black	Other
Male	1,442	970	36
Hispanic	172	9	0
Female	22	12	0
Hispanic	1	1	0

A slightly higher percentage of the inmates under sentence of death, for whom information on education was available, had attended some college (10.2%) compared to those who had not gone beyond seventh grade (8.0%). The median level of education was 11th grade. Less than a third (28.8%) of the condemned inmates for whom data on marital status were available were married. Nearly half (46.6%) of those under sentence of death had never been married.

The median age of those under sentence of death was about 34 years (table 7). About 0.6% were under age 20, and 2.9% were 55 or older. The youngest offender under sentence of death was 16 years old (born April 1975); the oldest was 77 years old (born December 1914). At the time their sentences were imposed, eight of those under sentence of death had been less than 18 years old. More than half of the inmates under sentence at the end of 1991 had been between 20 and 29 years old when they received their death sentences.

Entries and removals of persons under sentence of death

During 1991, 30 State prison systems and the Federal prison system reported receiving prisoners under sentence of death (table 4). Florida reported the largest number (45), followed by Texas (26), California (24), and Pennsylvania (19). All of the 266 prisoners received under sentence of death were convicted of murder; 160 were white males, 100 were black males, 1 was an American Indian male, 1 was an Asian male, 3 were white females, and 1 was a black female; and 20 were Hispanics.

Table 6. Demographic profile of prisoners under sentence of death, 1991

Characteristic	Prisoners under sentence of death, 1991		
	Yearend	Admissions	Removals
Total number under sentence of death	2,482	266	130
Sex			
Male	98.6%	98.5%	98.5%
Female	1.4	1.5	1.5
Race			
White	59.0%	61.3%	51.5%
Black	39.6	38.0	45.4
Other*	1.4	.8	3.0
Ethnicity			
Hispanic	8.0%	7.9%	5.8%
Non-Hispanic	92.0	92.1	94.2
Education			
7th grade or less	8.0%	6.5%	11.8%
8th	8.3	6.0	11.8
9th-11th	37.3	36.9	37.0
12th	36.1	40.1	32.8
Any college	10.2	10.6	6.7
Median education	11th grade	12th grade	12th grade
Marital status			
Married	28.8%	24.7%	25.6%
Divorced/separated	22.1	17.0	28.1
Widowed	2.5	3.6	2.5
Never married	46.6	54.7	43.8

Note: Percentage and median calculations are based on those cases for which data were reported. Missing data by category were as follows:

	1991		
	Yearend	Admissions	Removals
Ethnicity	189	14	10
Education	313	49	11
Marital status	183	19	9

*Consists of 23 American Indians and 13 Asians present at yearend 1991, 1 American Indian and 1 Asian admitted during 1991, and 2 American Indians and 2 Asians removed during 1991.

Table 7. Age at time of capital sentencing and current age of prisoners under sentence of death, yearend 1991

Age	Prisoners under sentence of death			
	At time of sentencing		On December 31, 1991	
	Number	Percent	Number	Percent
Total under sentence of death on 12/31/90	2,482	100%	2,482	100%
17 or younger	8	.3	1	--
18-19	93	3.7	13	.5
20-24	620	25.0	179	7.2
25-29	653	26.3	444	17.9
30-34	489	19.7	643	25.9
35-39	300	12.1	475	19.1
40-44	178	7.2	351	14.1
45-49	71	2.9	212	8.5
50-54	36	1.5	91	3.7
55-59	18	.7	33	1.3
60 or older	16	.6	40	1.6
Mean age		30		35
Median age		29		34

Note: The youngest person under sentence of death was a black inmate in Florida born in April 1975 and sentenced to death in October 1991. The oldest person under sentence of death was a white inmate in Missouri born in December 1914 and sentenced to death in May 1991.
-- Less than 0.05%.

Twenty-four States reported a total of 109 persons whose sentence of death was vacated or commuted. North Carolina (26 exits) and Florida (21 exits) had the largest number of departures from death row due to vacated sentences, and 2 States, Georgia and Ohio, each reported a single commutation of a death sentence.

Of the 109 persons whose death sentences were vacated, commuted, or removed during 1991, 77 had their sentences vacated but their convictions upheld by a higher court; 29 had both their convictions and sentences vacated; 2 had their sentences commuted; and, 1 was given a conditional pardon by the governor.

At yearend, 48 of the 109 were serving a reduced sentence (47 to life imprisonment, 1 to a sentence of more than 20 years), 22 were awaiting a new trial, 37 were awaiting resentencing, and 2 had further prosecution dropped.

In addition, seven persons died while under sentence of death in 1991. Six of these deaths resulted from natural causes — two each in Florida and Pennsylvania and one each in Missouri and California. Nevada reported one death by suicide.

From 1977, the year after the Supreme Court reinstated the death penalty, through 1991, there were 3,719 persons admitted to State prisons under a sentence of death; 1,462 persons had their death sentences removed over the same period as a result of appellate court decisions and higher court reviews, commutations, or death while under sentence; and 157 persons were executed.³

Among individuals who received a death-sentence between 1977 and 1991, 2,182 (58.7%) were white, 1,481 (39.8%) were black, and 56 (1.5%) were of other races. Among those removed from a death sentence other than by execution, 824 (56.4%) were white, 618 (42.3%) were black, and 20 (1.4%) were of other races. Of the 157 executed, 94 (59.9%) were white and 63 (40.1%) were black.

³The same individual may have had several movements entering or exiting death row. Over the period from 1977 to 1991, the 3,719 persons admitted under sentence of death had 3,913 admission movements. Over the period, there were 1,511 release movements and 1,462 persons actually removed.

Criminal history of inmates under sentence of death in 1991

Among those under sentence of death at yearend 1991 for whom criminal-history information was available, 68.7% had a history of felony convictions (table 8). Among those for whom information on prior homicide convictions was available, 8.3% had a previous conviction for that crime.

Among those for whom legal status at the time of the capital offense was reported, 41.0% had an active criminal justice status. Half of these were on parole, while the rest

had charges pending, were on probation, were prison inmates or escapees, or had some other criminal justice status.

Excluding those with pending charges, more than 1 in 3 (34.4%) were already under sentence for another crime when the offense for which they were condemned occurred; in a number of States such status is considered an aggravating factor in capital sentencing.

The criminal history patterns were similar for whites, blacks, and Hispanics although higher percentages of blacks had prior felony convictions and prior homicide

Table 8. Criminal-history profile of prisoners under sentence of death, by race, 1991

	Prisoners under sentence of death				Percent ^a			
	All races ^b	White	Black	Hispanic	All races ^b	White	Black	Hispanic
U.S. total	2,482	1,291	973	184	100%	100%	100%	100%
Prior felony convictions								
Yes	1,587	792	672	108	68.7%	65.7%	74.7%	62.4%
No	723	413	228	65	31.3	34.3	25.3	37.6
Not reported	172	86	73	11				
Prior homicide convictions								
Yes	181	82	81	15	8.3%	7.2%	9.5%	9.1%
No	1,998	1,053	769	149	91.7	92.8	90.5	90.9
Not reported	303	156	123	20				
Legal status at time of capital offense								
Charges pending	140	79	49	8	6.5%	7.0%	5.8%	5.1%
Probation	178	100	65	11	8.2	8.8	7.7	7.1
Parole	437	186	208	41	20.2	16.4	24.8	26.3
Prison escapee	41	25	13	2	1.9	2.2	1.5	1.3
Prison inmate	61	31	24	6	2.8	2.7	2.9	3.8
Other status ^c	29	16	11	1	1.3	1.4	1.3	.6
None	1,275	697	470	87	59.0	61.5	56.0	55.8
Not reported	321	157	133	28				

^aPercentages are based on those offenders for whom data were reported.

^bIncludes whites, blacks, Hispanics, and persons of other races.

^cIncludes 12 persons on furlough or work release, 4 persons on mandatory conditional release, 4 persons out on bail, 2 persons residing in halfway houses, 2 persons residing in pre-release centers, 1 person confined in a local jail, 1 person under house arrest, 1 for whom charges were pending from the U.S. Army, 1 assigned to road gang work, and 1 on an accelerated release program.

Table 9. Number of death sentences received by those sentenced to death between January 1, 1988, and December 31, 1991, by race or ethnicity

Number of death sentences received	Race or ethnicity			
	Total ^a	White	Black	Hispanic
Total	100.0%	100.0%	100.0%	100.0%
1	85.2	84.3	86.6	84.9
2	10.6	11.5	9.1	10.8
3 or more	4.2	4.2	4.3	4.3
Number admitted under sentence of death 1988-1991				
	1,102	574	417	93

Note: Totals may not add to 100% due to rounding. All 1,102 received their death sentence for murder.

^aIncludes 18 persons of other races.

convictions. Both Hispanics and blacks were more likely than whites to have been on parole at the time the capital offense occurred.

Overall, the median elapsed time since sentencing was 60 months and the mean was 66 months for those under a sentence of death at yearend. Females reflected a much shorter stay under a death sentence, a median of 2 years and 9 months, compared to more than 5 years for males. Whites, blacks, and Hispanics evidenced little difference in average length of stay since receiving a death sentence.

	Elapsed time since sentencing	
	Mean	Median
Total	60 mos.	66 mos.
Male	61	66
Female	33	45
White	59	65
Black	63	67
Hispanic	54	61

Beginning in 1988, data were collected on the number of death sentences imposed on each individual entering prisons under a sentence of death. Among the 1,102 individuals admitted between 1988 and

1991, nearly 15% entered with more than 1 death sentence (table 9). Blacks, whites, and Hispanics all had relatively similar distributions of single or multiple death sentences.

Executions

Since 1930, when data on executions were first collected by the Federal Government, 4,016 executions have been conducted under civil authority (table 10).³ Since the death penalty was reinstated by the Supreme Court in 1976, the States have executed 157 persons:

1977	1	1986	18
1979	2	1987	25
1981	1	1988	11
1982	2	1989	16
1983	5	1990	23
1984	21	1991	14
1985	18		

A total of 16 States have carried out executions since 1977. During the period, 84 white, non-Hispanic males; 9 white, Hispanic males; 62 black, non-Hispanic males; 1 black, Hispanic male; and 1 white,

³An additional 160 executions have been carried out under military authority since 1930.

non-Hispanic female have been executed. The largest numbers of executions occurred in Texas (42), Florida (27), Louisiana (20), and Georgia (15).

Table 10. Number of persons executed, by jurisdiction in rank order, 1930-91

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,016	157
Georgia	381	15
Texas	339	42
New York	329	
California	292	
North Carolina	267	4
Florida	197	27
Ohio	172	
South Carolina	166	4
Mississippi	158	4
Louisiana	153	20
Pennsylvania	152	
Alabama	143	8
Arkansas	120	2
Virginia	105	13
Kentucky	103	
Tennessee	93	
Illinois	91	1
New Jersey	74	
Maryland	68	
Missouri	68	6
Oklahoma	61	1
Washington	47	
Colorado	47	
Indiana	43	2
West Virginia	40	
District of Columbia	40	
Arizona	38	
Nevada	34	5
Federal system	33	
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Utah	16	3
Kansas	15	
Delaware	12	
New Mexico	8	
Wyoming	7	
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

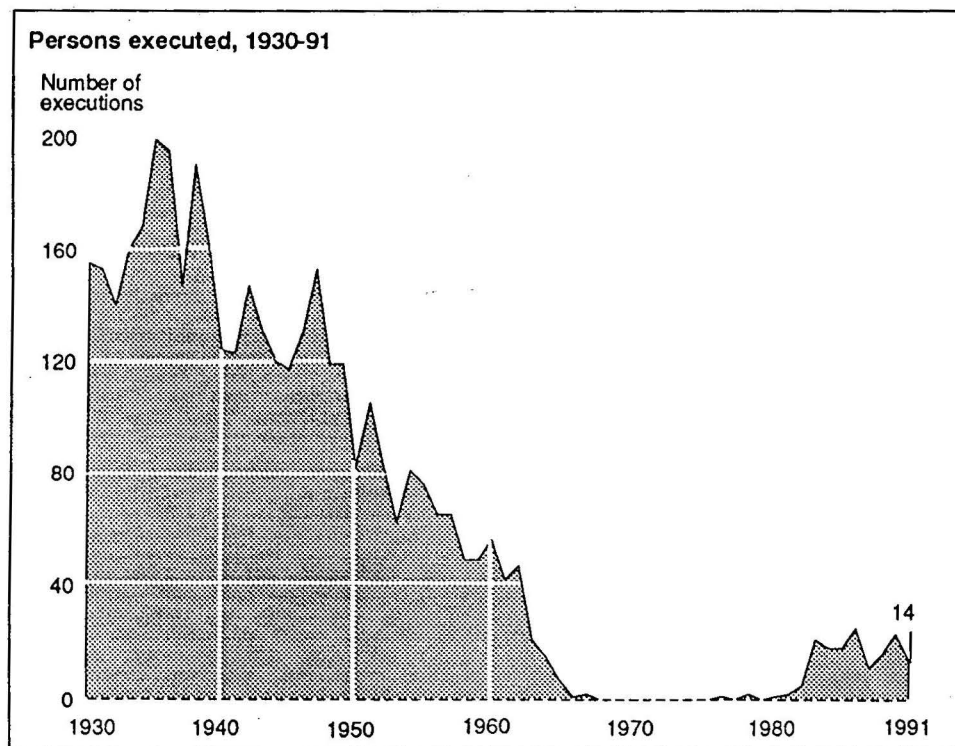


Figure 3

In 1991, Texas carried out five executions; Virginia and Florida each executed two persons; and Georgia, Louisiana, Missouri, North Carolina, and South Carolina each executed one person. Those executed in 1991 were all male and included six white, non-Hispanics; one white, Hispanic; and seven black, non-Hispanics.

Since 1977, a total of 4,101 offenders have been under a death sentence for varying lengths of time (table 11). There were 157 executions (3.8% of those at risk) and 1,462 removals (35.6% of those at risk) during this period. A slightly higher percentage of whites than blacks or Hispanics were executed (4.0%, 3.8%, and 3.8%, respectively), and blacks had a slightly higher removal rate by means other than execution.

For those executed since 1977, the average time between the imposition of the most recent sentence received and execution was 7 years and 1 month (table 12). Black prisoners executed between 1977 and 1991 had spent an average of 7 years and 11 months under sentence of death; white prisoners, an average of 6 years and 8 months; and Hispanic prisoners, an average of 7 years. For the 14 prisoners executed during 1991, the average time spent under a death sentence was 9 years and 8 months.

The methods used for the 157 persons executed between 1977 and 1991 were —

	Executions, 1977-91			
	All	White	Black	Hispanic
Total	157	85	62	10
Lethal injection	61	37	15	9
Electrocution	90	45	44	1
Lethal gas	5	2	3	0
Firing squad	1	1	0	0

Table 11. Prisoners under sentence of death who were executed or who received other dispositions, by race and ethnicity, 1977-91

Race and ethnicity ^b	Total under sentence of death, 1977-91 ^c	Prisoners executed		Prisoners who received other dispositions ^a	
		Number	Percent of total	Number	Percent of total
All races or ethnic groups	4,101	157	3.8%	1,462	35.6%
White	2,135	85	4.0	759	35.6
Black	1,649	62	3.8	614	37.2
Hispanic	263	10	3.8	69	26.2
Other ^d	54	0	0	20	37.0

^aIncludes persons removed from a sentence of death because of statutes struck down on appeal, sentences or convictions vacated, commutations, or death other than by execution. Of the 1,462 removals, 88 resulted from death other than by execution.

^bWhite, black, and other categories exclude Hispanics. Among the 263 Hispanics, 247 were white, 14 were black, and 2 were of other races.

^cIncludes those persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/91 (28), those persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/91 (354), and those persons sentenced to death between 1977 and 12/31/91 (3,719).

^dIncludes American Indians, Alaska Natives, Asians, and Pacific Islanders.

Table 12. Time between imposition of death sentence and execution, by race, 1977-91

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races	White	Black	All races	White	Black
Total	157	94	63	85 mos.	80 mos.	93 mos.
1977-83	11	9	2	51	49	58
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1988	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107

Note: Average time was calculated from the most recent sentencing data. The range for elapsed time for the 143 executions was from 3 months to 180 months. Some numbers have been revised from those previously reported. The average elapsed time for the 9 white Hispanics and 1 black Hispanic case was 84 months. They are included in the white and black categories in the table.

Appendix I. Current status of Inmates under sentence of death, 1973-91

Since 1973 a total of 4,444 individuals have been sentenced to death (appendix table 1). The table shows the status of those received in each year with respect to their death sentence, as of December 31, 1991.

For example, of the 187 persons whose sentence to death occurred in 1978, 23 have been executed, 3 have died while in

confinement, 21 have been relieved of the death sentence because courts struck down wholly or in part the statutes under which they were sentenced, 34 have had their conviction overturned on appeal, 58 have had their sentence overturned on appeal, 8 have had their sentence commuted, and 40 were still under a death sentence at yearend 1991. Of the 2,482 persons under sentence of death on December 31, 1991, 132 or 5.3% were sentenced prior to 1980.

Of the 2,482 persons under sentence of death at yearend 1991, Florida, Georgia, Texas, and Utah had the inmates who had served the longest under sentence of death among all condemned inmates (appendix table 2). By contrast, Colorado, Connecticut, New Mexico, Oregon, and the Federal prison system had no inmates sentenced prior to 1987.

Appendix table 1. Prisoners sentenced to death and the outcome of their sentence, by year of sentencing, 1973-91

Year of sentence	Number sentenced to death	Number of prisoners removed from death row							Under sentence of death 12/31/91
		Appeal or higher courts overturned:					Sentence Commuted	Other or unknown reasons	
		Executed	Died	Death penalty statute	Conviction	Sentence			
1973	42	2	0	14	9	8	9	0	0
1974	150	8	4	65	16	29	22	1	5
1975	299	5	4	171	23	62	21	2	11
1976	234	10	5	137	16	39	15	0	12
1977	139	16	2	40	26	32	7	0	16
1978	187	23	3	21	34	58	8	0	40
1979	157	11	8	2	29	52	6	1	48
1980	184	14	11	3	30	42	4	0	80
1981	238	15	9	0	37	61	3	1	112
1982	274	16	10	0	24	52	4	0	167
1983	256	15	8	1	17	42	2	1	170
1984	288	14	7	1	28	49	4	7	178
1985	284	1	3	1	23	54	2	3	197
1986	312	1	8	0	34	43	3	5	218
1987	298	1	3	1	29	41	0	4	219
1988	306	3	4	0	17	31	0	0	251
1989	268	2	2	0	7	20	1	0	236
1990	262	0	2	0	2	2	0	0	256
1991	266	0	0	0	0	0	0	0	266
Total, 1973-91	4,444	157	93	457	401	717	112	25	2,482

Note: Table based upon most recent death sentence received.

Appendix II. Federal laws providing for the death penalty

Since the Supreme Court's decision in *Furman v. Georgia* in 1972, striking down the death penalty as then applied, four death penalty statutes have been enacted by the Congress:

• (A) Any person engaging in or working in furtherance of a continuing criminal enterprise, or any person engaging in an offense punishable under section 841(b)(1)(A) or section 960(b)(1) who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and (B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of this subchapter or

subchapter II of this chapter who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of any Federal, State, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death (21 U.S.C. 848(e)).

• Espionage by a member of the Armed Forces: communication of information to a foreign government relating to nuclear weaponry, military spacecraft or satellites, early warning systems, war plans, communications intelligence or cryptographic information, or any other major weapons or defense strategy (10 U.S.C. 906(a)).

• Witness tampering where death results (18 U.S.C. 1512).

• Death resulting from aircraft hijacking (49 U.S.C. 1472 and 1473).

At the end of 1991, five males were awaiting execution under a military death sentence for murder. The following capital punishment provisions, which were enacted prior to the *Furman* decision, remain in the United States Code:

• Murder while a member of the Armed Forces (10 U.S.C. 918)

• Destruction of aircraft, motor vehicles, or related facilities resulting in death (18 U.S.C. 32-34)

• Retaliatory murder of a member of the immediate family of law enforcement officials (18 U.S.C. 115(b)(3) [by cross-reference to 18 U.S.C. 1111])

• Murder of a member of Congress, an important executive official, or a Supreme Court Justice (18 U.S.C. 351 [by cross-reference to 18 U.S.C. 1111])

• Espionage (18 U.S.C. 794)

• Destruction of government property resulting in death (18 U.S.C. 844(f)(d)(i))

Appendix table 2. Prisoners under sentence of death on December 31, 1991, by State and year of sentencing

State	Year of death sentence																			Under sentence of death 12/31/91
	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991		
Total sentenced to and remaining on death row, 12/31/91																				
Florida	1	6	4	4	13	12	11	10	20	18	24	15	19	19	29	28	33	45	311	
Georgia	2	1	2	4	5		2	4	6	5	7	5	9	12	5	10	15	7	101	
Texas	1	2	4	3	8	5	14	17	21	23	16	34	38	34	34	33	27	26	340	
Utah	1									1		3		1	2	3		1	12	
Montana		1								1				1	2	1			6	
Nebraska		1			4		1	1			2		1		1			1	12	
Arizona			1	1		6	9	4	9	5	5	6	1	8	11	7	11	13	97	
Mississippi			1	2				3	4	6	1	1	2	3	7	3	10	5	51	
Arkansas				1		1	1	5	2	1		2	3	3	2	5	6	2	34	
Nevada						2	1	3	5	5	4	5	3	5	6	10	7	4	60	
Oklahoma				1	2	1	2	3	3	8	13	7	15	14	21	14	9	12	125	
California					2	10	4	18	31	27	26	16	24	26	31	29	33	24	301	
Indiana						1	2	4	2	5	5	8	4	4	8		3	3	49	
Kentucky					1		1	2	5	4	1	2	4	3	2	1	1	3	30	
Tennessee					5	1	4	6	4	6	7	11	9	10	6	7	9	12	97	
Alabama						1	2	5	14	12	9	8	8	12	10	18	14	6	119	
Illinois						3	11	8	6	12	8	11	14	7	14	11	20	7	132	
Maryland								1	2		3		1		1	3	4	1	16	
Missouri							1	5	4	2	6	8	8	9	13	2	6	13	77	
North Carolina						2	3	4	3	5		8	1	5	6	6	14	17	74	
South Carolina						2	3	1	1	4	4	4	7		2	6	3	8	45	
Virginia						1	1	1	2		7	1	10	6	3	4	5	6	47	
Delaware							2		2				1		1			1	7	
Louisiana							1		3	2	3	8	3	8	1		1	7	37	
Pennsylvania							1	5	7	10	8	13	16	11	21	17	9	19	137	
Idaho								1	4		5	1	1		3	3	1	2	21	
Ohio									2	12	14	18	13	9	12	9	9	13	111	
Washington									2	1		1	1	1			3	1	10	
Wyoming									1										1	
New Jersey													1				3		4	
Colorado														2				1	3	
Connecticut														1		1		2	4	
New Mexico														1					1	
Oregon															1	5		3	9	
Federal																		1	1	
Totals	5	11	14	17	20	21	24	27	31	34	37	41	45	49	54	57	61	66	2,482	

- First-degree murder (18 U.S.C. 1111)
- Mailing of injurious articles with the intent to kill or resulting in death (18 U.S.C. 1716)
- Assassination or kidnaping resulting in the death of the President or Vice President (18 U.S.C. 1751 [by cross-reference to 18 U.S.C. 1111])
- Willful wrecking of a train resulting in death (18 U.S.C. 1992)
- Bank-robbery-related murder or kidnaping (18 U.S.C. 2113)
- Treason (18 U.S.C. 2381).
- Murder of Federal judges and officers (18 U.S.C. 1114)

Appendix table 3. Executions, by State and method, 1977-91

State	Number executed	Method of execution			
		Lethal injection	Electro-cution	Lethal gas	Firing squad
Total	157	61	90	5	1
Texas	42	42			
Florida	27		27		
Louisiana	20		20		
Georgia	15		15		
Virginia	13		13		
Alabama	8		8		
Missouri	6	6			
Nevada	5	4		1	
Mississippi	4			4	
North Carolina	4	4			
South Carolina	4		4		
Utah	3	2			1
Arkansas	2	1	1		
Indiana	2		2		
Illinois	1	1			
Oklahoma	1	1			

Note: This table shows the distribution of execution methods used since 1977. As can be seen, the most frequently used method, electrocution, was used in 57% of the executions carried out. Lethal injection accounted for 39% of the executions. Three States, Arkansas, Nevada and Utah, have employed two methods.

Appendix table 4. Number sentenced to death and removals, by jurisdiction and reason for removal, 1973-91

State	Total sentenced to death, 1973-91	Number of removals, 1973-91					Under sentence of death 12/31/91
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	4,444	157	93	1,575	112	25	2,482
Federal	2	0	0	1	0	0	1
Alabama	185	8	2	55	1	0	119
Arizona	155	0	3	54	1	0	97
Arkansas	59	2	1	22	0	0	34
California	439	0	14	108	15	1	301
Colorado	14	0	1	9	1	0	3
Connecticut	4	0	0	0	0	0	4
Delaware	20	0	0	13	0	0	7
Florida	600	27	12	230	18	2	311
Georgia	225	15	6	100	3	0	101
Idaho	28	0	1	6	0	0	21
Illinois	185	1	3	42	0	7	132
Indiana	72	2	1	20	0	0	49
Kentucky	50	0	1	18	1	0	30
Louisiana	124	20	3	57	6	1	37
Maryland	34	0	1	15	2	0	16
Massachusetts	4	0	0	2	2	0	0
Mississippi	112	4	1	53	0	3	51
Missouri	98	6	3	12	0	0	77
Montana	11	0	0	4	1	0	6
Nebraska	20	0	2	4	2	0	12
Nevada	82	5	3	12	2	0	60
New Jersey	34	0	1	21	0	8	4
New Mexico	22	0	0	16	5	0	1
New York	3	0	0	3	0	0	0
North Carolina	299	3	4	214	2	0	74
Ohio	239	0	3	124	1	0	117
Oklahoma	212	1	2	84	0	0	125
Oregon	26	0	0	17	0	0	10
Pennsylvania	190	0	5	47	1	0	121
Rhode Island	2	0	0	2	0	0	0
South Carolina	113	3	3	61	0	0	45
Tennessee	149	0	4	47	0	2	97
Texas	508	42	9	74	42	0	340
Utah	22	3	0	6	0	0	12
Virginia	73	13	2	6	0	1	47
Washington	20	0	1	9	0	0	10
Wyoming	9	0	1	7	0	0	2
Percent	100%	3.7	2.1	29.9	2.2	.6	61.5

Methodological note

The statistics reported in this Bulletin may differ from data collected by other organizations for a variety of reasons: (1) inmates are originally added to the National Prisoner Statistics (NPS) death-row counts not at the time the court hands down the sentence but at the time they are admitted to a State or Federal correctional facility. (2) Subsequently, admissions to death row or releases as a result of a court order are attributed to the year in which the sentence or court order occurred; prior-year counts are, therefore, adjusted to reflect the actual dates of court decisions (see note, table 4). (3) NPS death-row counts are always for the last day of the calendar year and thus will differ from counts for more recent periods.

1991 U.S. Supreme Court decisions cited

Yates v. Evatt, 111 S.Ct. 1884 (1991).
Decided May 28, 1991.

Payne v. Tennessee, 111 S.Ct. 2597 (1991).
Decided June 27, 1991.

Schad v. Arizona, 111 S.Ct. 2491 (1991).
Decided June 21, 1991.

Mu'min v. Virginia, 111 S.Ct. 1899 (1991).
Decided May 30, 1991.

Lankford v. Idaho, 111 S.Ct. 1723 (1991).
Decided May 20, 1991.

McClesky v. Zant, 111 S.Ct. 1454 (1991).
Decided April 16, 1991.

Arizona v. Fulminante, 111 S.Ct. 1246 (1991). Decided March 26, 1991.

Ford v. Georgia, 111 S.Ct. 850 (1991).
Decided Feb. 19, 1991.

Parker v. Dugger, 111 S.Ct. 731 (1991).
Decided Jan. 22, 1991.

Other cases cited

Swain v. Alabama, 380 U.S. 202, 85 S.Ct. 824, 13 L.Ed 2d 759 (1965)

Batson v. Kentucky, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed. 2d 69 (1986)

Griffith v. Kentucky, 479 U.S. 314, 107 S.Ct. 708, 93 L.Ed. 2d 649 (1987)

State v. Sparks, 257 Ga.97, 355 S.E. 2d 658 (1987)

Massiah v. United States, 377 U.S. 201, 84 S.Ct. 1199, 12 L.Ed. 2d 246 (1964)

Sandstrom v. Montana, 442 U.S. 510, 99 S.Ct. 2450, 61 L.Ed. 2d 39 (1979)

Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed. 2d 344 (1985)

Beck v. Alabama, 447 U.S. 625, 100 S.Ct. 2382, 65 L.Ed. 2d 392 (1980)

Booth v. Maryland, 482 U.S. 496, 107 S.Ct. 2529, 96 L.Ed. 2d 440 (1987)

South Carolina v. Gathers, 490 U.S. 805, 109 S.Ct. 2207, 104 L.Ed. 2d 876 (1989)

People v. Young, 814 P. 2d 834 (Colorado, 1991)

State v. Johnson, 134 N.H. 570, 595 A.2d 498 (1981)

Furman v. Georgia, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed. 2d 346 (1972)

State notes

Arkansas — Act 683 amended 5-10-101(a), 5-10-102(a)(3), and 5-4-604(8) of the Arkansas Code Annotated to provide for capital sentencing for murders of victims 14 years old or younger and to add murders by a destructive device to the list of aggravating circumstances. Effective date 7/15/91.

California — Approved Proposition 114 (murder of a peace officer) which amends Section 190.2 of the Penal Code and Proposition 115 which implements the Victims Justice Reform Act and amends the State Constitution. Effective date 1/6/91.

Colorado — Repealed and reenacted 16-11-103 of the Colorado Revised Statutes describing the procedures for imposing sentences for Class 1 felonies. Effective date 9/20/91. Added 16-11-801 to provide for the death penalty for persons committing Class 1 felonies between July 1, 1988 and September 20, 1991. Effective date 10/7/91.

Delaware — Amended 11 Delaware Code Section 4209 on the methods for weighing aggravating and mitigating circumstances and redefined the jury's role in capital sentencing to advisory only. Effective date 11/4/91.

Illinois — Amended 9-1 of the Criminal Code of 1961 to incorporate an additional aggravating circumstance for felony-murders involving state prisoners. Effective date 1/1/92.

Louisiana — Amended 15:569 of the Louisiana Revised Statutes to provide for death by lethal injection. Effective date 9/1/91.

New Hampshire — Amended 630:1 defining capital murder and repealed and reenacted 630:5 of the Revised Statutes Annotated detailing the procedures to be used in capital cases. Effective date 1/1/91.

Oregon — Amended 163.150 of the Oregon Revised Statutes to address stays of execution while appealing and procedures for resentencing on remand from appeal. Effective date 6/30/91. Also amended the same section to address the use of alternate jurors in the sentencing phase of a capital trial. Effective date 7/30/91.

Utah — Amended 76-5-202 and 76-3-207 of the Utah Criminal Code to change the terminology from first and second degree murder to aggravated murder and murder, respectively. Effective date 4/29/91.

Virginia — Amended 18.2-31(5) of the Code of Virginia to include murders arising from forcible sodomy as a category of capital murder. Effective date 7/1/91.

Bureau of Justice Statistics Bulletins are written principally by BJS staff. This report was written by Lawrence A. Greenfeld. Tom Hester edited the report, Danielle Morton provided statistical review and Walter W. Barbee provided legal review. Marilyn Marbrook supervised production, assisted by Betty Sherman, Jayne Pugh, and Yvonne Boston.

October 1992, NCJ-136946

The Bureau of Justice Statistics, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The Assistant Attorney General further establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0950. The data sets are archived as Capital Punishment, 1973-91 (ICPSR 9210).

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., ACTING AAG, OJP
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Date Received: 10-06-92 Date Due: NONE Control #: X92100614655
Subject & Date
10-05-92 MEMO ATTACHING A BUREAU OF JUSTICE
STATISTICS NEWS RELEASE THAT IS SCHEDULED FOR RELEASE ON
OCTOBER 11, 1992, THAT STATES THE NATION'S ELDERLY
EXPERIENCE LESS CRIME. A COPY OF THE RELEASE HAS BEEN
TRANSMITTED TO PAO, WHERE IT IS UNDER REVIEW.

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(1)	OAG;	10-06-92	(5)			W/IN:
(2)			(6)			
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EXECUTIVE SECRET

Office of the Assistant Attorney General

Washington, D.C. 20531

OCT 5 1992

MEMORANDUM TO: William P. Barr
Attorney General

FROM: Steven D. Dillingham, Ph.D. *SD*
Acting Assistant Attorney General

SUBJECT: Bureau of Justice Statistics News Release--
The Nation's Elderly Experience Less Crime

Attached for your information is a copy of a Bureau of Justice Statistics news story that is scheduled for release on October 11 that says the nation's elderly are the least likely to experience crime. Men and women 65 years of age or older are significantly less likely to be murdered or otherwise victimized but are likely to suffer more harmful consequences than younger people if they do fall prey to criminals.

The elderly comprise the fastest growing segment of the U.S. population, and becoming crime victims may mean for some of them especially serious physical consequences. The report analyzes the various factors that characterize criminal victimization.

Other major findings include:

--People who are 65 years old or more comprise about 14 percent of the U.S. population but are less than 2 percent of the victims.

--Violent crime victimizations among the elderly were highest in 1974 (the year after BJS's National Crime Victimization Survey (NCVS) commenced) and reached the lowest rate in 1990. The 1974 rate was 9 victimizations per 1,000 people 65 and older, compared to 3.5 per 1,000 in 1990--a 61 percent decline.

--Elderly violent crime victims were more likely than were victims in other age groups to report their assailants were strangers. Elderly homicide victims were also proportionately more likely to be killed by strangers during the commission of a felony compared to younger victims, who were proportionately more likely to be killed during a fight with someone they knew.

--Elderly robbery victims were more likely than younger people to face multiple offenders as well as offenders with guns.

--Generally speaking, elderly victims of violent crime and thefts were more likely to report the crime to police than were younger victims.

--Elderly violent crime victims were significantly more likely to be victimized at or near their homes than were younger victims.

--Among the elderly, males, blacks, divorced or separated people, urban residents and renters were generally more likely than were other elderly people to experience crime.

--Generally, people 75 years old or older had lower victimization rates than did people 65 through 74 years of age.

The annual victimization rates per 1,000 U.S. inhabitants by victim age and type of crime for the years 1987 through 1990 were as follows:

	<u>12-24</u>	<u>25-49</u>	<u>50-64</u>	<u>65 or older</u>
Violent crimes	64.6	27.2	8.5	4.0
Robbery	10.0	5.3	2.4	1.5
Assault	53.1	21.2	5.9	2.3
Thefts	112.7	71.2	38.3	19.5
Burglary	121.3	66.6	43.3	32.4
Motor veh. theft	34.6	21.7	16.4	6.6

"The lifestyle of a group may affect its vulnerability to certain crimes," the report noted. "In general, compared to younger persons, the elderly are more likely to live alone and stay at home because they are less likely to work full time or regularly participate in activities after dark. These characteristics or routines may contribute to the elderly having a lower likelihood of assault or robbery committed by a relative or acquaintance. Because of this lower risk of victimization by non-strangers, elderly victims of violent crime are proportionately more likely than those in other age groups to be victimized by strangers.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Acting Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, OCTOBER 11, 1992

BJS
202-307-0784

THE NATION'S ELDERLY EXPERIENCE LESS CRIME

WASHINGTON, D.C. -- The nation's elderly are the least likely to experience crime, according to a Bureau of Justice Statistics (BJS) report released today. BJS, a Department of Justice component in the Office of Justice Programs, said that men and women 65 years of age or older are significantly less likely to be murdered or otherwise victimized but are likely to suffer more harmful consequences than younger people if they do fall prey to criminals.

"The elderly comprise the fastest growing segment of the U.S. population, and becoming crime victims may mean for some of them especially serious physical consequences," commented BJS Director Steven D. Dillingham. "This report analyzes the various factors that characterize criminal victimization."

Other major findings include:

--People who are 65 years old or more comprise about 14 percent of the U.S. population but are less than 2 percent of the victims.

--Violent crime victimizations among the elderly were highest in 1974 (the year after BJS's National Crime

-MORE-

Victimization Survey (NCVS) commenced) and reached the lowest rate in 1990. The 1974 rate was 9 victimizations per 1,000 people 65 and older, compared to 3.5 per 1,000 in 1990--a 61 percent decline.

--Elderly violent crime victims were more likely than were victims in other age groups to report their assailants were strangers. Elderly homicide victims were also proportionately more likely to be killed by strangers during the commission of a felony compared to younger victims, who were proportionately more likely to be killed during a fight with someone they knew.

--Elderly robbery victims were more likely than younger people to face multiple offenders as well as offenders with guns.

--Generally speaking, elderly victims of violent crime and thefts were more likely to report the crime to police than were younger victims.

--Elderly violent crime victims were significantly more likely to be victimized at or near their homes than were younger victims.

--Among the elderly, males, blacks, divorced or separated people, urban residents and renters were generally more likely than were other elderly people to experience crime.

--Generally, people 75 years old or older had lower victimization rates than did people 65 through 74 years of age.

The annual victimization rates per 1,000 U.S. inhabitants by

victim age and type of crime for the years 1987 through 1990 were as follows:

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"The lifestyle of a group may affect its vulnerability to certain crimes," the report noted. "In general, compared to younger persons, the elderly are more likely to live alone and stay at home because they are less likely to work full time or regularly participate in activities after dark. These characteristics or routines may contribute to the elderly having a lower likelihood of assault or robbery committed by a relative or acquaintance. Because of this lower risk of victimization by non-strangers, elderly victims of violent crime are proportionately more likely than those in other age groups to be victimized by strangers.

Single copies of the BJS special report, "Elderly Victims" (NCJ-138330) as well as other information about other Bureau of Justice Statistics publications may be obtained from the National

Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-301-251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs & Crime Data Center & Clearinghouse on 1-800-666-3332.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

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After hours contact: Stu Smith 301-983-9354



Bureau of Justice Statistics Special Report

Elderly Victims

By Ronet Bachman, Ph.D.
BJS Statistician

October 1992

Persons age 65 or older are the least likely of all age groups in the Nation to experience either lethal or non-lethal forms of criminal victimization. Data from the National Crime Victimization Survey (NCVS) and from the Comparative Homicide File (CHF) are used in this report to give a detailed accounting of criminal victimization of the elderly. Even though older persons are less likely to experience a criminal victimization than are younger people, they are more likely to suffer more harmful consequences of their victimization such as sustaining injury or requiring medical care.

Some of the major findings in this report include:

- The elderly were significantly less likely than younger age groups to become the victims of virtually all types of crime. For example, persons aged 65 or older comprise about 14% of persons aged 12 or older in this sample but less than 2% of all victimizations.
- Elderly robbery victims were more likely than younger victims to face multiple offenders and also more likely to face offenders armed with guns.
- Elderly victims of violent crime were proportionately more likely to report that their assailants were strangers. Consistent with this, it was also found that the elderly were proportionately more likely to be killed by a stranger during the commission of a felony, compared to younger individuals who were proportionately more likely to be killed by someone known to them in a conflict situation such as an argument or fight.

The elderly comprise the fastest growing segment of the U.S. population, and their protection and well being have come to represent a high priority in our society. Crime victimization, which challenges residents of all ages, may hold for the elderly especially serious physical consequences.

This report uses the most recent data from the National Crime Victimization Survey (NCVS) to examine the characteristics of crime against the elderly. The central conclusion is that although the elderly are **less** likely than those who are younger to sustain a victimization by crime, they are **more** likely — when victimized — to be harmed by

strangers and to sustain grievous injuries. Also presented from a different data source, estimated homicide rates for the elderly bear out similar conclusions about who among the elderly are most vulnerable to crime.

The NCVS establishes in this report, as in many others, its central importance in identifying the facts about crime victimization. Based on interviews with almost 50,000 households every 6 months, the continuous survey provides invaluable, up-to-date knowledge essential for sound policies.

Steven D. Dillingham, Ph.D.
Director

- Elderly victims of violent crime were significantly more likely to be victimized at or near their home than those under the age of 65.
- Elderly victims of violent crime were less likely to use measures of self-protection compared to those under the age of 65.
- Elderly victims of all forms of crime, including crimes of violence, crimes of theft, and household crime, were significantly more likely to report their victimizations to the police compared to those under the age of 65.
- The probability of becoming a crime victim decreases with age. Generally, those 75 years of age or older had lower criminal victimization rates than those between the ages of 65 and 74.

- Among the elderly, certain groups were generally more likely to experience a crime than others: Males, blacks, divorced or separated persons, urban residents, and renters. Those elderly in the lowest income categories were more likely to experience a crime of violence but less likely to experience a crime of theft than those with higher family incomes.

Lifestyle and vulnerability

The lifestyle of a group may affect its vulnerability to certain crimes. In general, compared to younger persons, the elderly are more likely to live alone and to stay at home because they are less likely to work full time or regularly participate in activities after dark. These characteristics or routines may contribute to the elderly having a lower likelihood of assault or robbery by a

relative or acquaintance. Because of this lower risk of victimization by nonstrangers, elderly victims of violent crime are proportionately more likely than those in other age groups to be victimized by strangers.

Victimization rates

For virtually all crimes, the elderly were significantly less likely than younger age groups to be victimized (table 1). Those individuals in the youngest age group of 12 to 24 consistently had the highest victimization rates across all types of crime while those 65 years of age or older generally had the lowest. The overall victimization rate for crimes of violence was nearly 16 times higher for persons under age 25 than for persons over age 65 (64.6 versus 4 victimizations per 1,000 persons in each age group). Similarly, the robbery rate for those under 25 was nearly 6 times higher than for those over age 65.

- Household crime victimizations showed a pattern similar to personal crime victimizations. Those persons over the age of 65 were significantly less likely to become victims of household crime than younger age groups. This was true for all forms of household crime — including burglary, household larceny, and motor vehicle theft.

Victimization rates for personal crimes of violence and theft, persons age 65 or older, 1973-90

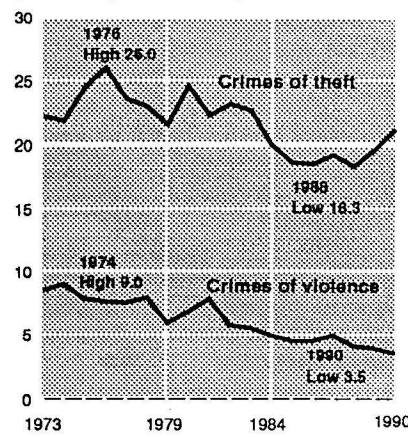


Figure 1

- Personal larceny with contact (such as nonforcible purse snatching and pocket picking), did not reflect this pattern. Those who were 65 or older were about as likely as those under age 65 to be victims of personal larceny which involved contact.

Trends

Crime victimization rates among the elderly have generally been declining during the 1980's. Both personal and household

Victimization rates for household crimes, head of households age 65 or older, 1973-90

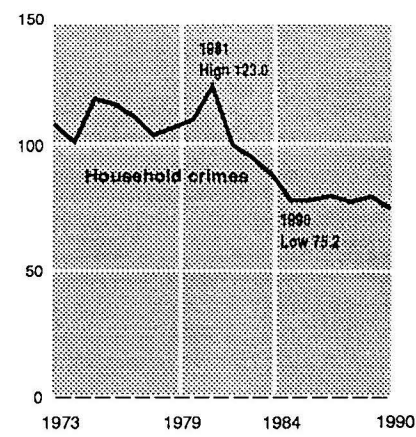


Figure 2

1990 victimization rates for those age 65 or older were significantly lower than earlier highs.

- Violent crime victimizations against the elderly were highest in 1974 (9 per 1,000 persons over 65) and reached a low rate in 1990 of 3.5. This 1990 rate was 61% lower than the high recorded in 1974 (figure 1).

Theft victimizations experienced by the elderly peaked in 1976 with a rate of 26 and were lowest in 1988 with a rate of 18.3. While rates of theft victimization appeared to be on the increase since 1988, this increase was not significant. Theft victimization rates in 1990 were still about 22% lower than those witnessed during the mid-1970's.

- Household crimes against the elderly jumped to a high in 1981 of 123 per 1,000 households with heads over the age of 65 (figure 2). Since that time, however, household victimizations against the elderly have been decreasing and reached the low rate of 75 in 1990.

Characteristics of crimes against the elderly

The NCVS data have consistently demonstrated that the elderly have a lower probability of becoming victims of crime than do younger people. However, of the crimes they do experience, the elderly appear to be particularly susceptible to crime that is motivated by economic gain such as robbery, personal and household larceny, and burglary. Like the general

Table 1. Average annual victimization rates, by age of victim and type of crime, 1987-90

	Number of victimizations per 1,000 persons or households			
	12-24	25-49	50-64	65 or older
Crimes of violence	64.6	27.2	8.5	4.0
Rape	1.5	.6	.1*	.9*
Robbery	10.0	5.3	2.4	1.5
Assault	53.1	21.2	5.9	2.3
Aggravated	18.4	7.5	2.2	1.1
Simple	34.6	13.7	3.7	1.3
Crimes of theft	112.7	71.2	38.3	19.5
Personal larceny with contact	3.6	2.4	2.2	2.6
Personal larceny without contact	109.0	68.8	36.1	16.9
Average annual population	45,983,893	92,550,343	32,787,706	28,577,225
Household crimes^a	309.3	200.2	133.0	78.5
Burglary	121.3	66.6	43.3	32.4
Household larceny	153.4	111.9	73.3	39.5
Motor vehicle theft	34.6	21.7	16.4	6.6
Average annual number of households	6,534,240	48,597,483	19,026,720	19,803,345

Note: The victimization rate is the annual average of the number of victimizations for 1987-90 per 1,000 persons in each age group. Detail may not add to total because of rounding.

*Estimated is based on 10 or fewer sample cases.

^aHousehold crimes are categorized by age of head of household.

population, the elderly are most susceptible to household crimes and least susceptible to crimes of violence. For specific crimes of violence, however, differences between age groups emerge.

Among the elderly, the victimization rates for assault and robbery are not significantly different. For the younger age groups, however, assault rates are much higher than robbery rates. Almost 38% of violent crime victimizations against the elderly were robberies, while robberies accounted for only 15% of violent victimizations against those under age 25 and for 20% against all persons under age 65.

A pattern of age-related differences also exists for homicides. Most homicide victims 65 years of age or older were killed during the commission of another felony, like a robbery, and the elderly victims were just as likely to be killed by a stranger as by someone whom they knew (tables 16 and 17). By contrast, younger homicide victims were more likely to be killed by an

acquaintance and to die during events such as a fight rather than to fall victim to a stranger during the commission of another crime.

Weapons

About the same percentage of elderly victims of violent crimes (38%) as younger victims (35%) perceived their assailants using weapons (table 2). For those victims who believed their assailants were armed, however, elderly victims were somewhat more likely than younger victims to face offenders armed with guns (41% versus 36%). Offenders wielding weapons like knives or blunt objects victimized about the same percentage of violent crime victims for those age 65 or older as those who were younger.

Crimes by strangers

While victims of violent crime, regardless of age, were more likely to be assailed by strangers than by acquaintances or rela-

tives, robbery victims age 65 or older were more likely than other victims to have been robbed by a stranger (83% versus 74%) (table 3). This was not true of assault victims. The percentage of assaults committed by strangers was not significantly different between elderly victims and their younger counterparts. This higher proportion of victimizations by strangers will also be noted in the discussion of homicide victimization rates.

Crimes occurring at home

Elderly violent crime victims were almost twice as likely as younger victims to be victimized at or near their home (table 4). For example, elderly robbery victims were 53% more likely to be victimized in their own home and more than twice as likely to be victimized near their home than were younger victims of robbery. This was true for assault as well. This finding may reflect some of the lifestyle differences discussed earlier.

Table 2. Perceived presence of weapons in violent crimes, by age of victim, 1987-90

	Percent of violent crime victims	
	Under 65	65 or older
Unarmed offenders	65%	62%
Armed offenders	35	38
Type of weapon used		
Guns	36%	41%
Knives or sharp instruments	30	29
Blunt objects	19	18
Other weapons	15	12

Table 3. Relationship of offenders to victims of violent crime by age of victim and type of crime, 1987-90

	Percent of violent crime victims whose offenders were:			
	Relatives	Acquaintances	Strangers	Relationship not ascertained
Crimes of violence				
Under 65	8%	33%	56%	3%
65 or older	8	20	64	8
Robbery				
Under 65	5	17	74	4
65 or older	3	5	83	9
Assault				
Under 65	9	36	52	3
65 or older	13	32	47	8

Table 4. Place of occurrence of crimes of violence, by age of victim and type of crime, 1987-90

	Total	Place of occurrence				
		At home	Near home	On the street	In commercial or public establishment	Elsewhere
Crimes of violence						
Under 65	100%	14%	11%	39%	21%	15%
65 or older	100	25	25	31	9	10
Robbery						
Under 65	100	13	9	52	16	10
65 or older	100	20	21	37	13	10
Assault						
Under 65	100	14	12	36	21	15
65 or older	100	27	29	27	7	10

Injury and medical care

While about the same percentage of violent crime victims age 65 or older (33%) and those under age 65 (31%) were injured, some evidence indicates that older victims received more serious injuries (table 5). Of those victims who were injured, 9% of elderly reported serious injury such as broken bones and internal injuries compared to 5% of those under age 65. In addition, 14% of elderly victims who were injured needed hospital care compared to 8% of younger victims.

Self-protection

Elderly victims of violent crime were less likely to take self-protective action than were younger victims (table 6). Violent crime victims under the age of 65 took

Table 5. Injuries, medical treatment, and hospital care received by violent crime victims, by age of victim, 1987-90

Outcome	Percent of violent crime victims	
	Under 65	65 or older
Injured	31%	33%
Serious	5	9
Minor	26	24
Received medical care	15	19
Hospital care	8	14

Note: Serious injuries are broken bones, loss of teeth, internal injuries, loss of consciousness, rape or attempted rape injuries, or undetermined injuries requiring 2 or more days of hospitalization. Minor injuries are bruises, black eyes, cuts, scratches, swelling, or undetermined injuries requiring less than 2 days of hospitalization.

Table 6. Self-protective measures taken in violent crimes, by age of victim, 1987-90

	Percent of violent crime victims	
	Under 65	65 or older
Did not take any action	27%	42%
Took some form of action	73	58
Type of action taken		
Physical action, including attacking offender with weapon, chasing offender or physically resisting	34	23
Nonphysical action, including arguing or reasoning with offender, screaming or running away	39	34

self-protective action 73% of the time, compared to 58% for those victims age 65 or over. Moreover, of those crime victims who took self-protective measures, the elderly were less likely than their younger counterparts to use physical action such as attacking or chasing the offender or physically resisting in some other way.

Police reporting

In general, elderly victims of violent and theft crimes were more likely to report their victimization to the police compared to younger victims (table 7). Seven out of ten elderly victims of robbery reported their victimization to the police, compared to just over 5 out of 10 robbery victims under age 65. There was no measurable difference, however, between the police reporting behavior of younger and elderly aggravated assault victims or victims of household crimes.

Table 7. Reporting to the police, by age of victim and type of crime, 1987-90

	Percent of victimizations reported to police
Crimes of violence	
Under 65	47%
65 or older	60
Robbery	
Under 65	53
65 or older	70
Aggravated assault	
Under 65	57
65 or older	56
Simple assault	
Under 65	40
65 or older	51
Crimes of theft	
Under 65	28%
65 or older	34
Personal larceny with contact	
Under 65	33
65 or older	46
Personal larceny without contact	
Under 65	28
65 or older	32
Household crimes	
Under 65	41%
65 or older	41
Burglary	
Under 65	52
65 or older	50
Household larceny	
Under 65	27
65 or older	27
Motor vehicle theft	
Under 65	75
65 or older	79

Single versus multiple offenders

Elderly robbery victims were more likely to be victimized by multiple offenders, compared to their younger counterparts who were more likely to be victimized by single offenders (table 8). The reverse was true for aggravated assaults; younger aggravated assault victims were more likely to report more than one offender compared to elderly aggravated assault victims. Among simple assault victims, the same percentage of both age groups — 80% — reported lone offenders.

Table 8. Number of offenders perceived in crimes of violence, by age of victim and type of crime, 1987-90

	Percent of violent crime victimizations		
	Single offender	Multiple offenders	Don't know
Crimes of violence			
Under 65	73%	26%	1%
65 or older	65	32	3
Robbery			
Under 65	54	44	2
65 or older	46	50	4
Aggravated assault			
Under 65	69	29	2
65 or older	72	20	8
Simple assault			
Under 65	80	19	1
65 or older	80	16	4

Characteristics of elderly victims

The overall patterns of elderly crime victimization were similar to those found for the population in general with regard to demographic characteristics such as sex, race, and marital status.

- For crimes of violence and household crimes, elderly males were generally more likely to have higher victimization rates than elderly females (table 9). Elderly women, however, were more likely to be victims of personal larceny with contact such as purse snatching.

- Elderly blacks were more likely to be the victims of crimes of violence and household crimes than elderly whites.

Blacks also had higher rates of victimization than whites for the specific crimes of robbery, personal larceny with contact, burglary, household larceny, and motor vehicle theft. Only for the number of personal larcenies without contact per 1,000 victims age 65 or older, did whites exceed blacks.

- Generally, elderly persons who were either separated or divorced had the highest rates of victimization for all types of crime compared to any other marital status category. Elderly victims in the other marital status groups experienced about the same number of household victimizations per 1,000 households. However, among those age 65 or older, married persons were victimized by crimes of violence and

crimes of theft at higher rates than either persons who had never married or persons who were widowed.

Elderly residents residing in cities had the highest rates of victimization for all types of crime, compared to either suburban or rural elderly (table 10). The suburban and rural elderly experienced about the same rates of crimes of violence, but suburban elderly experienced higher rates of personal theft — both with and without contact. However, rural elderly were more likely to experience household crimes in general and burglary in particular, compared to those elderly residing in suburban areas.

Table 9. Average annual victimization rates of persons age 65 or older, by sex, race, and marital status and by type of crime, 1987-90

	Number of victimizations per 1,000 persons or households							
	Sex		Race		Marital status			
	Male	Female	White	Black	Never Married	Widowed	Married	Divorced/ Separated
Crimes of violence	4.9	3.4	3.6	7.6	3.0	4.2	7.6	11.3
Robbery	2.0	1.2	1.2	4.4	1.2	1.7	5.1	1.7
Aggravated assault	1.4	.8	1.1	1.4	.8	.9	1.5	4.8
Simple assault	1.4	1.2	1.2	1.4	.9	1.4	.7	4.4
Crimes of theft	19.8	19.4	19.5	19.6	18.2	4.2	26.3	35.4
Personal larceny with contact	1.8	3.2	2.3	5.7	1.8	2.9	6.1	6.4
Personal larceny without contact	17.9	16.2	17.2	13.9	16.4	15.1	20.2	30.0
Household crimes*	82.2	74.3	70.9	154.1	77.6	75.1	71.1	110.4
Burglary	32.8	31.9	29.1	63.8	28.7	33.7	35.2	46.3
Household larceny	41.6	37.1	36.5	71.9	41.6	35.7	34.1	37.8
Motor vehicle theft	7.7	5.2	5.3	18.3	7.2	5.7	1.8	10.5

*Household crimes are categorized by sex, race, and marital status of head of household.

Table 10. Average annual victimization rates of persons age 65 or over, by location of residence, home ownership, and type of crime, 1987-90

	Number of victimizations per 1,000 persons or households				
	Locality of residence			Tenure	
	City	Suburb	Rural	Own	Rent
Crimes of violence	7.1	2.9	2.2	3.1	7.7
Robbery	3.5	.9	.4	1.1	3.6
Aggravated assault	1.4	.8	1.0	1.0	1.6
Simple assault	1.9	1.1	.7	1.0	2.2
Crimes of theft	26.4	19.6	11.4	17.8	26.7
Personal larceny with contact	6.5	1.2	0.4	1.9	5.5
Personal larceny without contact	19.9	18.4	10.9	16.0	21.1
Household crimes	112.6	61.2	64.5	82.0	66.8
Burglary	42.4	25.6	30.7	33.6	28.3
Household larceny	57.3	31.2	31.3	42.1	30.9
Motor vehicle theft	12.8	4.3	2.5	6.2	7.5

Measurable differences in the rates of victimization distinguished homeowners and renters (table 10). In general, the

elderly renters were significantly more likely to experience all forms of personal crime including robbery, simple assault,

and both types of personal theft. However, elderly homeowners were more likely than renters to become victims of household crime.

Table 11. Average annual victimization rates of persons age 65 or older, by family income and type of crime, 1987-90

	Number of victimizations per 1,000 persons or households			
	Less than \$7,500	\$7,500-14,999	\$15,000-24,999	\$25,000 or more
Crimes of violence	12.0	8.4	6.5	6.1
Robbery	4.4	2.6	1.5	3.9
Aggravated assault	3.4	3.3	1.5	0.6
Simple assault	3.9	2.3	3.3	1.5
Crimes of theft	29.1	30.4	40.3	60.8
Personal larceny with contact	7.1	4.2	5.7	4.3
Personal larceny without contact	22.0	26.2	34.6	56.5
Household crimes	76.3	70.2	81.3	96.0
Burglary	37.9	29.3	30.7	34.2
Household larceny	35.1	35.0	43.0	51.6
Motor vehicle theft	3.3	5.8	7.5	10.2

Note: Because the distribution of income was less variable for the elderly, the income categories in this table are somewhat different than those reported in other NCVS publications. It should also be remembered that this measure only represents annual family income, not total assets.

Table 12. Average annual victimization rates, by age of victim and type of crime, 1987-90

	Number of victimizations per 1,000 persons or households	
	65-74	75 or older
Crimes of violence	4.7	3.0
Rape	.1*	.1*
Robbery	1.5	1.6
Assault	3.0	1.3
Aggravated	1.3	.7
Simple	1.7	.6
Crimes of theft	22.9	14.2
Personal larceny with contact	2.5	2.8
Personal larceny without contact	20.4	11.1
Average annual population	17,774,054	11,351,210
Household crimes*	85.4	68.9
Burglary	33.7	30.5
Household larceny	43.2	34.4
Motor vehicle theft	8.4	4.0

Note: The victimization rates are the annual average of the number of victimizations for 1987-90 per 1,000 persons of households in that age group. Detail may not add to total because of rounding.

* Estimate is based on about 10 or fewer cases.

* Household crimes are categorized by age of head of household.

The elderly in the lowest family income category under \$7,500 were generally more likely to experience crimes of violence than those elderly with higher family incomes (table 11). Conversely, those elderly with the highest family income (\$25,000 or more) were much more likely to experience a personal crime of theft or a household crime.

Many of these demographic variables are related to each other. For example, an individual's education is almost certainly related to his or her income. In addition, income may also be related to marital status and to place of residence, which, in turn, affects vulnerability to crime.

Victimization rates for those age 75 or older

A variety of differences in victimization patterns occurs when the elderly age group is divided into two groups: 65 to 74 and 75 or older. A number of factors that NCVS does not measure — such as lifestyle, mobility, and ability to recall the details of a victimization — may be related to these differences.

Overall, those 75 or older experienced lower rates of victimization for crimes of violence, crimes of theft, and household crimes compared to those between the ages 65 and 74. There were no significant differences, however, between these two age groups for the specific victimization rates of robbery, aggravated assault, personal larceny with contact and burglary (table 12).

Persons under age 75 experienced higher rates of victimization than persons age 75 or older, regardless of demographic category — sex, race, marital status, or family income. When examined within demographic categories, rates for persons 75 or older generally reflected patterns observed for persons age 65 to 74. For example, males over the age of 75 were more likely to experience crimes of violence and household crimes than females. However, females over the age of 75 were just as likely as their male counterparts to experience a personal theft (table 13).

- Black individuals over the age of 75 had an increased risk of being the victims of violent and household crime, but the same risk as whites of experiencing a personal theft.

- Similar to those between the ages of 65 and 74, those age 75 or older were more likely to be the victims of all types of crime if they were divorced or separated than if they were married or widowed.

- Just as with the total population under age 75, the elderly age 75 or older who had lower family incomes were more likely to experience a crime of violence than were those in higher income categories, whereas the older of the two groups with higher family incomes were more likely to become the victims of both personal theft and household crime.

- For the more serious injuries, the percentage of violent crime victims in both

the older age groups were not significantly different. Thirteen percent of the violent crime victims between the ages of 65 and 74 and those age 75 or older were hospitalized for at least 2 days because of their injuries.

- The places where elderly victims were likely to experience violent crime varied for the two age groups: 65 to 74 and 75 or older. For the overall category of violent crimes and for the specific crimes of robbery and assault, victims age 75 or older were more likely to be victimized at home than elsewhere, while those between the ages of 65 and 74 were more likely to be victimized on the street (table 15). A higher percentage of those age 75 or older were victims of violent crime in commercial or public establishments, compared to those age 65 to 74.

Table 13. Average annual victimization rates of persons age 65 to 74 and 75 or older for crimes of violence, crimes of theft, and household crimes

	Number of victimizations per 1,000 persons or households					
	Crimes of violence		Crimes of theft		Household crimes	
	65-74	75+	65-74	75+	65-74	75+
Sex						
Male	5.2	4.4	22.4	14.8	86.9	73.1
Female	4.2	2.2	23.4	13.9	82.9	65.6
Race						
White	4.2	2.6	23.1	14.2	77.6	61.4
Black	13.9	6.5	36.7	16.1	156.8	149.6
Marital status						
Married	3.3	2.2	20.5	12.9	82.7	66.5
Widowed	5.6	3.1	24.6	13.0	83.3	68.5
Never married	8.1	7.0	30.8	20.2	73.3	67.7
Divorced/separated	13.1	6.2	34.9	36.5	116.6	92.2
Family Income						
Less than \$7,500	9.7	3.3	19.1	12.0	83.3	70.7
\$7,500-\$14,999	4.5	4.1	18.2	12.0	49.4	64.6
\$15,000-\$24,999	3.6	2.2	21.1	15.9	86.5	70.6
\$25,000 or over	3.2	1.7	30.6	20.9	78.5	78.6

Homicide victimizations

The patterns observed in rates of homicide victimization across the age groups were similar to those found for crime victimization in general. The elderly were significantly less likely to become the victims of homicide than were those in the youngest age groups. Characteristics of elderly homicide victimization resemble those of victimization of the elderly in general as well.

Table 14. Injuries, medical treatment, and hospital care received by violent crime victims, by age of victim, 1987-90

Outcome of victimization	Percent of victims of violent crime	
	65-74	75 or older
Injured	33%	37%
Serious	8	11
Minor	25	26
Received medical care	19	18
Hospital care	13	13

Table 15. Place where violent crime occurred, by age of victim and type of crime, 1987-90

	Percent of victims of violent crime					
	Total	At home	Near home	On the street	In commercial or public establishment	Elsewhere
Crimes of violence						
65-74	100%	22%	29%	33%	8%	9%
75 or older	100	33	28	25	14	11
Robbery						
65-74	100	14	27	40	7	12
75 or older	100	29	13	31	21	6
Assault						
65-74	100	24	30	29	15	8
75 or older	100	37	23	17	6	17

The elderly were just as likely to be killed by a stranger as they were to be killed by someone known to them, such as a relative or acquaintance (table 16). In contrast, persons in younger age cohorts were more likely to be killed by an acquaintance.

Of those elderly killed, proportionately more were likely to be killed during a felony situation, compared to victims in younger age groups for whom homicide victimization was more likely to occur during an argument or fight (table 17).

The similarities observed when homicide victimization trends of the elderly are compared to the general crime victimization patterns of the elderly are striking. The elderly appear particularly vulnerable to violent crime committed by a stranger for economic gain.

Table 16. Average annual homicide rates, by age of victim and victim/offender relationship, 1980-87

Age	Average annual number of homicides per 100,000 persons when the victim/offender relationship was:		
	Family	Acquaintance	Stranger
0-34	2.5	7.2	2.8
35-54	2.0	4.0	1.7
55-64	1.9	2.6	1.5
65+	1.0	1.1	1.0

Table 17. Average annual homicide rates, by age of victims and precipitating circumstances, 1980-87

Age	Average annual number of homicides per 100,000 persons where the incident occurred in:		
	Conflict	Felony	Other
0-34	5.9	.7	2.4
35-54	6.5	.7	2.5
55-64	2.1	1.5	.8
65+	.9	1.7	.6

All conclusions about crime against the elderly should be interpreted against a background of relatively low victimization rates. Although the elderly were more likely to be killed by strangers than by someone whom they knew, they were less likely to be killed by strangers than were other U.S. residents. Part of the reason that the elderly had the lowest rate of criminal victimization of all age groups comes from their way of life. For example, as the elderly are prone to live alone as widows or widowers, they have reduced contacts with acquaintances and relatives who account for many of the homicides of younger people. Thus, the explanation for why strangers commit a higher percentage of the crime against the elderly may not be found so much in any special vulnerability of the elderly but in their lower risk of victimization by nonstrangers.

Methodology

The tables in this report include National Crime Victimization Survey (NCVS) data from 1987 to 1990. The NCVS obtains information about crimes, including incidents not reported to the police, from a continuous, nationally representative sample of households in the United States. This includes persons living in group quarters, such as dormitories, rooming houses and religious group dwellings. Groups not included were crew members of merchant vessels, Armed Forces personnel living in military barracks, and institutionalized persons, such as correctional facility inmates. Similarly, U.S. citizens residing abroad and foreign visitors to this country were excluded. With these exceptions, individuals age 12 or older living in units designated for the sample were eligible to be interviewed. The NCVS measures crimes of violence (rape, robbery, aggravated assault, and simple assault), crimes of theft (personal larceny with and without contact), and household crimes (burglary, household larceny, and motor vehicle theft). The survey does not include murder and kidnaping or incidents that the victim may not recognize as crimes, such as fraud or con games.

Age

Because there are no universally recognized criteria for defining elderly, the cutoff at age 65 was used to be consistent with past public policy and research. Also included in this report, however, are comparisons of those age 65 to 74 with those in the older age category of 75 or older. It should be remembered that institutionalized elderly were excluded from this sample.

Calculation of rates

The rates in this report are annual average rates for 1987-90. The numerator (x) of a given rate is the sum of the crimes that occurred each year from 1987 through 1989 for each respective age group; the denominator (y) is the sum of the annual population totals for these same years and age groups.

Application of standard errors

The results presented in this report were tested to determine whether or not the observed differences between groups were statistically significant. Most comparisons passed a hypothesis test at the .05 level of statistical significance (or the 95 percent confidence level) meaning that the estimated difference between comparisons was greater than twice the standard error of that difference. However, some comparisons were significant at the 90 percent confidence level only. These comparisons are qualified by phrases such as "some-what" or "some evidence of a difference." Comparisons which failed the 90% hypothesis test were not considered statistically significant and, therefore, were not discussed in this report.

Even though the data in this report were collected over several years, some estimates were based on a relatively small number of sample cases, particularly for those 75-or-older victims in certain demographic groups. The data tables note when estimates are based on 10 or fewer sample cases. Because standard errors cannot be accurately computed for such estimates, it is inadvisable to compare them to other estimates. Further, caution should be used when comparing estimates not discussed in the text, since seemingly large differences may not be statistically significant at the 95 percent or even the 90 percent confidence level.

Homicide rates

The homicide rates in this report are from the Comparative Homicide File (CHF) for the years 1980-87.* The CHF was computed from the Supplemental Homicide Report data tapes provided by the Federal Bureau of Investigation. Using weighting and adjustment procedures, relationship by event-specific homicide rates were calculated as follows:

$$((I/P) \times 100,000)/8$$

where I = the total number of weighted and adjusted incidents of murder and non-negligent manslaughter of a specific type for each age group and P = the total population of each age group. The division by eight indicates that the rates were calculated over the entire 1980-87 time period and then reexpressed on a per year basis. Because homicide, particularly among older individuals, is a relatively rare event, this procedure was used to reduce the influence of random aberrations in year-to-year estimates, in addition to the possible unreliability of rates based on low frequencies.

References

Williams, K.R. and R. Flewelling, "Family, acquaintance, and stranger homicide: Alternative procedures for rate calculations," *Criminology* (1987) 25:543-560.

Williams, K.R. and R. Flewelling, "The social production of criminal homicide: A comparative study of disaggregated rates in American cities," *American Sociological Review* (1989) 53:421-431.

*The CHF was developed at the University of New Hampshire under a grant from the National Institute of Justice #851JCC0030. For more detailed information on rate calculation procedures see Williams and Flewelling (1987, 1988).

Bureau of Justice Statistics is a component of the Office of Justice Programs which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime.

Bureau of Justice Statistics Bulletins are prepared by BJS staff. This report was prepared and written by Ronet Bachman with assistance from Marshall M. DeBerry, Jr., under the supervision of Patsy A. Klaus. Tina Dorsey was the production editor and prepared the final version of this report. Jayne Pugh produced the mechanicals and layout design for printing under the supervision of Marilyn Marbrook. Tom Hester edited this report under the supervision of Steven K. Smith.

October 1992, NCJ-138330

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

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To: AG.

ODD: NONE

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Subject & Date

09-10-92 MEMO ATTACHING A COPY OF A BJS NEWS STORY THAT IS
SCHEDULED FOR RELEASE ON SEPTEMBER 20, 1992, ENTITLED,
"PRIOR RECORDS COMMON AMONG DRUNK DRIVERS." ADVISES THAT
A COPY OF THIS REPORT HAS BEEN TRANSMITTED TO PAO FOR
REVIEW, AND ALSO TO OLS.

Referred To: Date:
(1) OAG; 09-14-92
(2)
(3)
(4)

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(5)
(6)
(7)
(8)

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1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

10 SEPTEMBER 92



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

RECEIVED
DEPARTMENT OF JUSTICE
SEP 11 11 15:48
EXECUTIVE SECRETARIAT

MEMORANDUM TO: William P. Barr
Attorney General

FROM: Steven D. Dillingham, Ph.D. *100*
Acting Assistant Attorney General

SUBJECT: Bureau of Justice Statistics News Release--
Prior Records Common Among Drunk Drivers

Attached for your information is a copy of a Bureau of Justice Statistics news story that is scheduled for release on September 20 that says more than half of the people in local jails on driving-while-intoxicated (DWI) charges in 1989 had prior sentences to jail or prison for drunk driving. About one in six had served at least three such prior DWI sentences.

During 1989 more than 1.7 million drivers were arrested for driving under the influence of alcohol or drugs (DUI), and between 1980 and 1989 the number of arrests for DUI increased almost 22 percent, whereas the number of licensed drivers grew by about 14 percent. (DUI is the general term for drivers operating a vehicle under the influence of alcohol or drugs. The BJS study concentrated on jail inmates charged with driving while intoxicated from alcohol and refers to them as DWI offenders.)

Jailed drunk drivers were found to have an extensive history of abusive drinking and chronic contact with the criminal justice system. The study also found that DUI arrest rates for drivers under 21 years old dropped substantially during the last decade. The 1989 DUI arrest rate for drivers 16 and 17 years old was 25 percent lower than their 1980 rate, and drivers 18 through 20 years of age had a 9 percent lower arrest rate than in 1980.

Almost half of the people confined on DWI charges who were interviewed in jail were already on probation or parole or in some other criminal justice status for a DWI or other criminal offense at the time of their arrest, and about one-third of them were on probation from an earlier criminal conviction.

Half of the people in jail who had been convicted on DWI charges were estimated to have consumed at least 6 ounces of alcohol (about equal to the amount of alcohol in 12 bottles of beer) in a four-hour period. About 29 percent said they had consumed 11

ounces of alcohol (approximately equal to 22 bottles of beer) before their arrest.

Almost two out of three of the convicted DWI offenders described themselves as alcoholics. Forty-four percent of the alcoholic DWI offenders reported that they usually drank alcoholic beverages daily and almost 77 percent reported having participated in an alcohol treatment program.

The findings are based on data from interviews with a nationally representative sample of 5,675 inmates in 424 jails during the summer of 1989. As of June 30 of that year there were about 395,000 people in 3,312 local jails throughout the country. Other significant survey results included the following:

--During the 1980-1989 period the number of DUI arrests per capita grew by almost 7 percent--from 982 per 100,000 licensed drivers to 1,049.

--About 9 percent of all people in local jails on June 30, 1989, were charged with or had been convicted of DWI offenses, and of this group, 86 percent had a prior sentence to probation, jail or prison for a DWI or other criminal offense.

--Of the convicted DWI offenders, 61 percent said they had been drinking only beer, 18 percent only liquor and 2 percent only wine. Twenty percent said they had been drinking more than one type of alcohol.

--Almost a third of the jailed DWI offenders said they had been drinking with others in a bar, tavern or inn before their arrest and about a quarter said they had been drinking at a friend's house. About one in nine said they had been drinking alone at home or in their vehicle.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, SEPTEMBER 20, 1992

BJJS
202-307-0784

PRIOR RECORDS COMMON AMONG DRUNK DRIVERS

WASHINGTON, D.C. -- More than half of the people in local jails on driving-while-intoxicated (DWI) charges in 1989 had prior sentences to jail or prison for drunk driving, according to a Bureau of Justice Statistics (BJS) study released today. The Bureau, a U.S. Department of Justice agency in the Office of Justice Programs, reported that about one in six had served at least three such prior DWI sentences.

During 1989 more than 1.7 million drivers were arrested for driving under the influence of alcohol or drugs (DUI), and between 1980 and 1989 the number of arrests for DUI increased almost 22 percent, whereas the number of licensed drivers grew by about 14 percent.

(DUI is the general term for drivers operating a vehicle under the influence of alcohol or drugs. The BJS study concentrated on jail inmates charged with driving while intoxicated from alcohol and refers to them as DWI offenders.)

"Jailed drunk drivers were found to have an extensive history of abusive drinking and chronic contact with the criminal justice system," commented BJS Director Steven D. Dillingham.

-MORE-

"The study also found that DUI arrest rates for drivers under 21 year old dropped substantially during the last decade," Dillingham noted. "The 1989 DUI arrest rate for drivers 16 and 17 years old was 25 percent lower than their 1980 rate, and drivers 18 through 20 years of age had a 9 percent lower arrest rate than in 1980."

Almost half of the people confined on DWI charges who were interviewed in jail were already on probation or parole or in some other criminal justice status for a DWI or other criminal offense at the time of their arrest, and about one-third of them were on probation from an earlier criminal conviction.

Half of the people in jail who had been convicted on DWI charges were estimated to have consumed at least 6 ounces of alcohol (about equal to the amount of alcohol in 12 bottles of beer) in a four-hour period. About 29 percent said they had consumed 11 ounces of alcohol (approximately equal to 22 bottles of beer) before their arrest.

Almost two out of three of the convicted DWI offenders described themselves as alcoholics. Forty-four percent of the alcoholic DWI offenders reported that they usually drank alcoholic beverages daily and almost 77 percent reported having participated in an alcohol treatment program.

The findings are based on data from interviews with a

-MORE-

nationally representative sample of 5,675 inmates in 424 jails during the summer of 1989. As of June 30 of that year there were about 395,000 people in 3,312 local jails throughout the country. Other significant survey results included the following:

--During the 1980-1989 period the number of DUI arrests per capita grew by almost 7 percent--from 982 per 100,000 licensed drivers to 1,049.

--About 9 percent of all people in local jails on June 30, 1989, were charged with or had been convicted of DWI offenses, and of this group, 86 percent had a prior sentence to probation, jail or prison for a DWI or other criminal offense.

--Of the convicted DWI offenders, 61 percent said they had been drinking only beer, 18 percent only liquor and 2 percent only wine. Twenty percent said they had been drinking more than one type of alcohol.

--Almost a third of the jailed DWI offenders said they had been drinking with others in a bar, tavern or inn before their arrest and about a quarter said they had been drinking at a friend's house. About one in nine said they had been drinking alone at home or in their vehicle.

The study also examined the blood alcohol concentration (BAC) of the jailed drivers measured by the number of grams of pure alcohol present in 100 milliliters of blood. It estimated

-MORE-

that DWI offenders in jail averaged 0.21 grams at the time of arrest, compared to an average of 0.16 grams for drinking drivers involved in fatal accidents during 1989.

Fifty percent of the DWI offenders sent to jail were sentenced to six months or less. Among first-time DWI offenders, half received sentences of 115 days or fewer. For offenders with two or more prior DWI convictions, half were sentenced to 181 days or fewer.

The survey also found substantial differences in the racial and ethnic composition of DWI defendants compared to other jail inmates. Of the jail inmates charged with a DWI offense, 67.7 percent were white non-Hispanics, 8.2 percent were black non-Hispanics, 19.5 percent Hispanics and 4.6 percent were from other groups, including Asians, Pacific Islanders, American Indians and Alaskan natives. Of the jail inmates charged with other offenses, 36.0 percent were white non-Hispanics, 45.0 percent black non-Hispanics, 16.9 percent Hispanics and 2.1 percent were from other backgrounds.

Single copies of the special report, "Drunk Driving, 1989 Survey of Inmates of Local Jails" (NCJ-134728) may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

92-52 (D)

After hours contact: Stu Smith 301-983-9354

Bureau of Justice Statistics Special Report

1989 Survey of Inmates of Local Jails

Drunk Driving

By Robyn L. Cohen
BJS Statistician

More than half the persons in local jails charged with the offense of driving while intoxicated (DWI) in 1989 had prior sentences to incarceration for DWI offenses. About 1 in 6 persons jailed for DWI had served at least three prior sentences in jail or prison for drunken driving.

These findings were obtained from the 1989 Survey of Inmates of Local Jails, which gathered extensive data from interviews with a nationally representative sample of 5,675 inmates in 424 jails during the summer of 1989. The sample was drawn to represent an estimated 395,000 jail inmates in 3,312 local jails on June 30, 1989. The Bureau of the Census carried out the interviews for the Bureau of Justice Statistics. Data on arrests for driving under the influence of alcohol or other intoxicants (DUI) were drawn from information that State and local police provided to the Federal Bureau of Investigation (FBI).

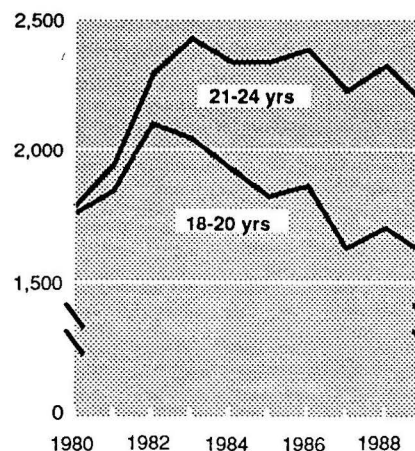
This report analyzes recent trends in DUI. It also examines the characteristics of persons confined in local jails in 1989 because they had been charged with driving while intoxicated with alcohol (DWI).

Other major findings include the following:

- Between 1980 and 1989 the number of arrests nationwide for DUI increased nearly 22%, while the number of licensed drivers increased 14%.

Number of arrests for driving under the influence of intoxicants (DUI), 1980-89

Arrests per 100,000 licensed drivers



Age 21 to 24: 1,784 arrests per 100,000 drivers in 1980 and 2,183 in 1989

Age 18 to 20: 1,757 arrests per 100,000 drivers in 1980 and 1,607 in 1989

Figure 1

- Over the period from 1980 to 1989 the number of DUI arrests per 100,000 licensed drivers grew by nearly 7% from 982 per 100,000 drivers to 1,049.
- On June 30, 1989, about 9% of all persons confined in local jails were charged with or convicted of DWI. Of these jail inmates, nearly 9 out of 10 (86%) had a prior sentence to probation, jail, or prison for a DWI offense or other offense.
- Of convicted DWI offenders in local jails, 61% reported drinking only beer, about 2% only wine, 18% only liquor, and 20% had been drinking more than one type of beverage prior to their arrest.

September 1992

In the 1989 Bureau of Justice Statistics survey of inmates in local jails, offenders charged with or convicted of driving while intoxicated were more than 1 in every 11 inmates. Among convicted inmates, 86% of those serving a sentence for DWI had been sentenced in the past. Almost a third of the DWI inmates had served 3 or more previous sentences in jail or prison.

The jail inmates can be considered the more serious part of the population who commit crimes by driving while impaired. During 1989 over 1.7 million drivers were arrested for driving under the influence. In discussing the population of DWI arrestees, this report examines the trends through the 1980's for arrest rates and changes in the age distribution of licensed drivers.

The first BJS Special Report on drunk driving, based on the 1983 survey, also presented the trends in rates, the effects of legislative changes before 1986, and the drinking patterns of inmates. That report had observed an early trend in the reduction of drunk driving arrests among persons under age 21—a trend associated with initiatives like raising the legal age to buy alcoholic beverages. While the annual monetary costs to society from drunk driving remain in the billions, this report presents findings that suggest the positive effects of concerted legislative and law enforcement efforts.

Steven D. Dillingham, Ph.D.

Director

- Since 1983 all States have phased in new laws raising the minimum age for the sale or purchase of alcoholic beverages to 21 years old. Per capita arrest rates for DUI for persons age 18 to 20 have decreased by 21% since then — more than twice the rate of the deceased among those age 21 to 24 (9.9%).

- In 1989, 96% of persons in jail for DWI were male; their median age was 32; and they reflected a racial distribution similar to the adult general population. At the time of their arrest, more than 70% were not living with a spouse and 78% were employed.

- When the type and amount of beverages are expressed in equivalent units of pure alcohol (ethanol), those who reported drinking more than one type of beverage had consumed nearly three times the quantity of ethanol of those who drank only beer.

- Prior to their arrest for DWI, half of the convicted offenders in jails were estimated to have consumed at least 6 ounces of ethanol (about equal to the alcohol content of 12 bottles of beer) in about 4 hours. About 29% reported that they had consumed at least 11 ounces of ethanol (equivalent to about 22 beers) prior to their arrest.

- Those DWI offenders who consumed greater than average quantities of ethanol prior to arrest also reported more frequent than usual drinking sessions and consuming more alcohol than other inmates at a typical drinking session.

- For DWI offenders sentenced to jail, the median term imposed was 6 months; those with 2 or more prior DWI sentences received sentences that were about twice as long as first-time DWI offenders.

- Nearly 80% of all inmates in jail for DWI who admitted to being an alcoholic had previously been involved in an alcohol abuse treatment program.

Legislative changes

DUI is the general term for drivers who operate a motor vehicle after having consumed an intoxicant (such as drugs or alcohol); DWI, in this study, specifically refers to jail inmates who were charged with driving while intoxicated by alcohol (usually defined by State law as a specific concentration of alcohol in the blood).

As a result of changes in legislation funding Federal highways, between 1983 and 1989 all States had raised the drinking age to 21, as defined by sale or purchase of alcoholic beverages. Approximately 18 States do not have a minimum age for consumption of alcohol, and 2 States do not have a minimum age for possession of alcohol.¹

In addition, 29 States and the District of Columbia have adopted legislation that requires administratively imposed sanctions for all persons who fail or refuse to take a test measuring the presence and concentration of alcohol.² Such statutes permit law enforcement officers to immediately confiscate the driver's license of persons arrested for DUI and failing or refusing to submit to a test for alcohol.

Trends in DUI arrests

Between 1980 and 1989, the number of arrests for DUI increased 21.7% compared to an increase of 13.9% in the number of licensed drivers (table 1). Overall, the number of DUI arrests per 100,000 licensed drivers increased 6.8% over the period, from 982 to 1,049.

The difference between the arrest rates for those age 18 to 20 and 21 to 24 has steadily increased (figure 1). In 1980, arrest rates were 1,757 and 1,784, respectively, for drivers age 18 to 20 and 21 to 24 — a difference of 27 per 100,000 drivers. In 1989, 18-to-20-year-olds had an arrest rate of 1,607, while those age 21 to 24 had a rate of 576 per 100,000 higher (2,183 per 100,000), about 21 times the difference between the age groups in 1980. Arrest rates for those age 18 to 20 peaked in 1982; for 21-to-24-year-olds, the rates peaked a year later.

¹See *A Digest of State Alcohol-Highway Safety Related Legislation* (1991) Washington, D.C.: National Highway Traffic Safety Administration.

²Data obtained from a survey of the States conducted by the Nebraska State Senate Transportation Committee for yearend 1990.

Table 1. Number of licensed drivers, number of arrests for DUI, and rate of arrest for DUI, 1980-89

Year	Number of licensed drivers*	Number of arrests for DUI	Rate of arrest for DUI per 100,000 drivers
1980	145,295	1,426,700	982
1981	147,075	1,531,400	1,041
1982	150,234	1,778,400	1,184
1983	154,389	1,921,100	1,244
1984	155,424	1,779,400	1,145
1985	156,868	1,788,400	1,140
1986	159,487	1,793,300	1,124
1987	161,818	1,727,200	1,067
1988	162,853	1,792,500	1,101
1989	165,555	1,736,200	1,049
Percent change 1980-89	13.9%	21.7%	6.8%

*Estimated in thousands.

Sources: FBI, *Crime in the United States* (1980-1989), (Washington, D.C.); National Highway Traffic Safety Administration, *Fatal Accident Reporting System 1989, A Decade of Progress* (Washington, D.C.).

The number of DUI arrests of those age 18 to 20 decreased by 33% between 1983 and 1989 (from 216,255 to 144,800). The number of licensed drivers in this age group declined by 15% (from 10.6 million to 9.0 million). More than half of the decline in the number of arrests, between 1983 and 1989, among drivers age 18 to 20 (and as much as 22% of the decline in arrests for all ages between 1983 and 1990) could possibly be linked to changes in the drinking age laws.³

Arrest rates for age groups 21 and older have declined at a slower pace since 1983. Arrest rates among licensed drivers age 18 to 20 declined more than twice as fast as arrest rates for those age 21 to 24 between 1983 and 1989 (21% versus 10%).

DUI arrests in 1989

In 1989 more than 165 million persons held driver's licenses in the United States — nearly 86% of the population age 16 or over. During the same year the FBI estimated that State and local police made more than 1.7 million DUI arrests. Also in 1989, 45,555 motor vehicle fatalities

³This estimate was calculated by applying the 1983 arrest rate for those age 18 to 20 (2,043 per 100,000 drivers) to the number of drivers in 1989 (9,009,821) of this age group, producing an estimate of 184,074 arrests in 1989. Actual arrests in 1989 were 144,800 or 39,274 fewer than expected. The overall decline in the number of arrests between 1983 to 1989 was 71,455 (216,255 - 144,800), the percentage of the decline not due to a change in the number of drivers of these ages would be more than half (39,274/71,455). Because the total decline in the number of arrests for persons of all ages between 1983 and 1989 was 180,947. Thus, as much as 22% of the drop (39,274/180,947) would be attributable to changes in the prevalence of arrests of 18-20 year-olds.

occurred; about 49% were probably alcohol-related, according to the National Highway Traffic Safety Administration.⁴

The number of DUI arrests can be viewed in the context of how much alcohol U.S. residents were drinking. The per capita consumption of alcoholic beverages changed little during the eighties, from 28.3 gallons per person in 1980 to 27.2 in 1989. In 1989, the per capita consumption of alcoholic beverages was greater than the per capita consumption of coffee (26.9 gallons per U.S. resident) and milk (26.0 gallons) and was exceeded only by the consumption of soft drinks (41.8 gallons).⁵

The annual consumption of alcoholic beverages based only upon the adult population age 21 or older (all States now impose this age restriction) would equal about 33.7 gallons of beer, 3.0 gallons of wine, and 2.1 gallons of liquor per person. However, individual patterns of consumption vary. It has been estimated that 33% of the adult population accounts for 95% of the alcohol consumed, and 5% of the adult population accounts for 50% of the consumption.⁶

DUI arrests and age

Since 1980 arrest rates for DUI have not increased consistently across all age groups. In 1980 those between age 18 and 39 were overrepresented among arrestees, compared to their share of licensed drivers (table 2). Persons age 18 to 20 accounted for 7.2% of drivers but 12.9% of those arrested, about 1 arrest for every 57 drivers. Drivers age 65 or older, by contrast, accounted for 10.7% of drivers but less than 2% of those arrested, about 1 arrest for 714 drivers in this age group.

Compared to 1980, data for 1989 reflected declines in arrest rates for drivers under age 21 and over the age of 40. Arrest rates for those age 18 to 20 decreased by approximately 9%, and among drivers age 16 and 17, arrest rates dropped nearly 25%

⁴See *Fatal Accident Reporting System, 1989: A Decade of Progress*, National Highway Traffic Safety Administration, 1990, p.1.

⁵*Food Consumption, Prices, and Expenditures, 1970-90*, The Department of Agriculture, Economic Research Service, 1992, p. 63.

⁶Steve Olson and Dean R. Gerstein, *Alcohol in America: Taking Action to Prevent Abuse*, Washington, D.C.: National Academy Press, 1985, p. 13.

Table 2. Comparison of licensed drivers and estimated arrests for driving under the influence, by age, 1980 and 1989

Age	1980			1989			Percent change in rate, 1980-89
	Percent of:		Arrests per 100,000 drivers	Percent of:		Arrests per 100,000 drivers	
	Drivers	Arrests		Drivers	Arrests		
Total	100 %	100%	981	100%	100%	1,048	6.8%
16-17	3.2%	2.2%	668	2.3%	1.1%	503	-24.7%
18-20	7.2	12.9	1,757	5.4	8.3	1,607	-8.5
21-24	10.6	19.3	1,784	8.3	17.3	2,183	22.4
25-29	13.0	17.9	1,347	12.4	22.2	1,869	38.8
34-35	12.0	13.1	1,076	12.4	17.6	1,486	38.1
35-39	9.4	9.6	996	11.2	12.0	1,123	12.8
40-44	7.7	7.4	944	9.7	8.1	872	-7.6
45-49	6.9	5.9	837	7.6	5.3	725	-13.4
50-54	6.9	4.9	686	6.2	3.3	558	-18.7
55-59	6.7	3.5	509	5.7	2.2	400	-21.4
60-64	5.7	1.9	335	5.6	1.4	262	-21.8
65 or older	10.7	1.5	140	13.0	1.2	100	-28.6

Note: Percents may not add to 100% because of rounding. Table excludes licensed drivers and arrests for those less than 16 years old. For those 16 and older there were 145,207,000 licensed drivers in 1980 and 165,517,596 in 1989; there were 1,424,736 DUI arrests in 1980 and 1,734,912 in 1989. The age distribution of known arrests for DUI was applied to the total number of estimated DUI arrests. Sources: Federal Highway Administration, *Selected Highway Statistics and Charts, 1989*. FBI, *Crime in the United States (1980 and 1989)*.

over the period. Drivers between 21 and 39 years old had higher rates of arrest for DUI in 1989 than in 1980. For example, drivers between the ages of 25 and 34 during 1989 experienced rates of arrest about 40% higher than drivers of a similar age in 1980. For those age 40 to 44, arrest rates were down about 8% from 1980 and each succeeding age group showed a larger percentage decline.

Several possible reasons account for why arrest rates have increased in the group age 21 to 39 and decreased in all other age groups. Although increased enforcement of drinking and driving laws would be expected to affect all age groups to some degree, more stringent enforcement efforts may have been selectively applied to younger age groups. Drinking or driving behavior may also have changed differently according to age groups.

Arrest rates for new groups of drivers who turned age 18, 19, and 20, and who are fully covered by the new laws, decreased 8.5% from 1980 to 1989. Lower arrest rates may be a reflection of changing drinking behavior among members of this group as a result of raising the minimum drinking age to 21.

Based on national surveys, high school seniors in 1989 reported less prevalent daily drinking and drinking in the month preceding the survey than did seniors in 1985 and in 1980 (before drinking ages were raised). In addition, a smaller percentage of seniors in 1989 than in 1980 reported engaging in binge drinking (5 or more drinks in a row at least once in the 2 weeks prior to the interview).⁷

Overall, the surveys of high school seniors document a continuous decline since 1980 in the percentages of high school seniors who drink daily and who had drunk in the previous 30 days.

	Senior class		
	1980	1985	1989
Percent who drank in last 30 days	72.0%	65.0%	60.0%
Percent who drank daily	6.0	5.0	4.2
Percent with binge drinking	41.2	34.7	33.0

⁷See "Drug use among American high school seniors, college students and young adults, 1975-1990", *Volume 1: High School Seniors* Rockville, Maryland: National Institute on Drug Abuse, 1991.

DWI offenders in jail

On June 30, 1989, an estimated 395,000 adults were confined in the Nation's 3,312 local jails. An estimated 29,223 (13.8%) were serving sentences after conviction for driving while intoxicated by alcohol or drugs; in 1983, an estimated 10% of the jail population nationwide had been convicted of DUI. Persons held in local jails who were unconvicted but charged with DUI accounted for approximately 2% of the inmate population in both 1983 and 1989.

Profile of DWI offenders in jail

Among convicted and unconvicted persons in jail for DWI, males predominated, and the racial distribution was more similar to the adult general population than was the case for those jailed for offenses other than DWI (table 3). Inmates charged with DWI were more likely to classify themselves as white and non-Hispanic (68%) than were those jailed for other offenses (36%). Persons jailed for other offenses were more likely to classify themselves as black and non-Hispanic (45%), compared to those charged with DWI (8%).

Those jailed for DWI were older on average than those jailed for other offenses. The median age of the DWI jail inmates was 32, about 5 years older than the median age of those in jail for other crimes. Of those jailed for DWI, about 47% had completed high school and about 20% had completed 8 years or less of education. Compared to 82% of inmates in jail for offenses other than DWI, about 70% of persons charged with DWI reported that they were not living with a spouse at the time of their arrest. An estimated 35% had never been married, 35% were divorced or separated, and about 2% were widowed.

At the time of the arrest, 78% of those charged with DWI were employed, compared to 63% of other inmates. The average income of the DWI defendant or offender was also much higher than the income of others. The median annual income of those who had been free for at least 1 year prior to the DWI arrest was \$11,000. The median annual income for those inmates charged with other offenses was \$6,750.

Prior sentences and criminal histories

About 86% of persons jailed for DWI had prior convictions for crimes, including DWI, and had been sentenced to probation, jail, or prison (table 4). This percentage was lower among those in jail for crimes other than DWI (76%).

Table 3. Characteristics of jail inmates, by type of offense, 1989

Characteristic	Percent of inmates charged with:	
	DWI offense	Non-DWI offense
Sex		
Male	96.3%	90.1%
Female	3.7	9.9
Race		
White non-Hispanic	67.7%	36.0%
Black non-Hispanic	8.2	45.0
Hispanic	19.5	16.9
Other ^a	4.6	2.1
Age		
17-20 years old	0.9%	15.4%
21-24	9.7	20.7
25-29	23.6	23.6
30-34	26.5	18.6
35-39	11.6	11.5
40-44	9.4	5.0
45-49	9.2	2.7
50 or older	9.0	2.4
Median age	32 years	27 years
Education		
8th grade or less	19.9%	15.2%
Some high school	33.2	38.9
High school graduate	32.4	33.2
Some college or more	14.5	12.7
Median education	12 years	12 years
Marital status		
Married	28.5%	18.0%
Widowed	1.8	0.9
Divorced/separated	34.8	22.3
Never married	34.9	58.8
Employment status at arrest		
Employed	78.1%	63.1%
Full-time	69.2	51.5
Part-time	8.9	11.6
Unemployed	21.9%	36.9%
Looking	11.0	22.5
Not looking	10.9	14.4
Median annual income ^b	\$11,000	\$6,750
Number of jail inmates	32,310	348,927

Excludes an estimated 320 inmates for unknown race and Hispanic origin and an additional 1,056 inmates in which data were missing on age. Data were missing for 2,309 inmates on education, 1,890 inmates on marital status, and 1,911 inmates on employment status. Data for annual income for those free at least 1 year prior to arrest were missing for 110,343 inmates.

^a Includes Asians, Pacific Islanders, American Indians, Alaska Natives, and other racial groups.

^b Includes those inmates who had been free at least 1 full year prior to arrest.

An estimated 71% of those in jail for DWI had prior sentences to incarceration; among those in jail for crimes other than DWI, 56% had previously been confined. Compared to those in jail for other crimes jailed persons charged with DWI were more likely to have been incarcerated three or more times. Convicted DWI offenders in jail were twice as likely to have two or more prior DWI convictions as those unconvicted persons in jail for DWI (table 5).

Table 4. Prior sentences or incarceration, for jail inmates, 1989

Prior sentence	Percent of inmates charged with:	
	DWI offense	Non-DWI offense
Probation		
None	28.3%	37.4%
Juvenile only	3.2	11.8
Adult only	55.6	35.4
Both	12.9	15.3
Number of times		
0	28.3%	37.5%
1	32.9	34.2
2	14.7	15.2
3 or more	24.1	13.3
Incarceration		
None	29.1%	44.4%
Juvenile only	1.1	3.8
Adult only	62.4	40.7
Both	7.4	11.1
Number of times		
0	29.1%	44.4%
1	24.1	21.7
2	16.7	11.2
3 or more	30.2	22.8
Probation or incarceration		
None	13.9%	24.1%
Juvenile only	1.3	8.1
Adult only	66.2	44.5
Both	18.6	23.4
Number of times		
0	13.9%	24.1%
1	16.2	20.9
2	16.8	16.5
3 or more	53.1	38.6
Number of jail inmates	30,717	332,726

Note: Excludes an estimated 17,794 inmates for whom data on prior sentences to probation or incarceration were unknown.

About 52% of persons jailed for DWI had a previous DWI conviction (table 5). These persons were more likely than other inmates to have been previously convicted of the same crime (table 6). Among those in jail for robbery, 22% had a prior robbery conviction; among those jailed for assault, 17% had a previous assault conviction; among those charged with drug trafficking, 14%; among those charged with burglary, 28%; and among those charged with larceny, 30% had a prior larceny conviction.

Nearly half (45%) of those in jail for DWI had a criminal justice status:

Total	100 %
Probation	73.0
Parole	10.6
Bail/pretrial release	10.2
Other release	6.1

Alcohol consumption

Convicted offenders were asked detailed questions about their drinking of alcoholic beverages before their arrest for DWI. Each offender who reported drinking prior to arrest provided the types and amount of beverages consumed and the period spent drinking. Based on these responses, it was possible to convert the amount and type of

beverage consumed to a pure alcohol equivalent (ethanol) to estimate total intake. (See *Methodology* for conversions.)

Half of the convicted DWI offenders had consumed at least 6 ounces of ethanol (equivalent to the alcohol content of about 12 beers) prior to arrest (table 7). About 7% of the convicted offenders had consumed less than 2 ounces of ethanol; 34% had consumed between 2 and 5 ounces; 30% between 5 and 11 ounces; and 29% reported consuming the equivalent of 11 or more ounces of ethanol. To consume 11 ounces of ethanol would require drinking the equivalent of about 22 beers.

The median length of the drinking session prior to the arrest was 4 hours (table 8). Given the median consumption of 6 ounces of alcohol, this amount of time would permit a rate of consumption equivalent to about 3 beers per hour. The average, or mean, ethanol consumption was 8.1 ounces, and the average amount consumed escalated with the number of hours spent drinking. Those who were drinking for 1 hour or less had an average ethanol consumption of 2.2 ounces, compared to those who were drinking for 12 hours or more and consuming 16.4 ounces.

Most convicted DWI offenders reported drinking only beer prior to arrest:

Percent of DWI offenders drinking

Beer only	61%
Wine only	2
Liquor only	18
More than one type	20

Amounts consumed prior to arrest varied with the type of beverage. The median ethanol consumption for beer drinkers was

Table 7. Alcohol consumption prior to arrest of jail inmates convicted for DWI, 1989

Ounces of ethanol consumed	Percent of jail inmates convicted of DWI
Total	100 %
Less than 1 ounce	0.9%
1-1.9	6.0
2-2.9	13.9
3-3.9	10.4
4-4.9	9.2
5-5.9	3.3
6-6.9	16.5
7-10.9	10.6
11-14.9	15.1
15 or more	14.2
Median ounces of ethanol	6.0 ounces
Number of jail inmates	26,488

Note: Percents may not add to 100% because of rounding. Excludes an estimated 1,504 inmates who did not report drinking at the time of the offense and 513 inmates who were drinking but did not report the amount of ethanol consumed. No data were available for 437 inmates and 281 inmates were not asked the question because they did not drink in the past year.

Table 5. Jail inmates charged with DWI, by number of prior DWI sentences to jail or prison, 1989

Number of prior DWI sentences to jail/prison	Percent of inmates charged with DWI		
	All	Unconvicted	Convicted
Total	100 %	100 %	100 %
None	47.6%	56.0%	46.7%
1	23.7	28.0	23.3
2	12.7	8.0	13.2
3 or more	15.9	8.0	16.8
Number of jail inmates	32,310	3,087	29,223

Note: Percents may not add to 100% because of rounding.

Table 6. Jail inmates prior sentences to jail/prison for same offense as presently charged with, 1989

Number of prior sentences	Percent of inmates charged with:					
	Robbery	Assault	Burglary	Larceny	Drug Trafficking	Drug Possession
Total	100 %	100 %	100 %	100 %	100 %	100 %
None	78.3%	82.7%	72.1%	70.5%	86.3%	79.4 %
1	15.7	13.4	17.0	15.4	11.6	12.1
2	4.1	3.6	6.3	6.6	0.8	5.0
3 or more	2.0	0.3	4.6	7.5	1.2	3.6
Number of jail inmates	25,650	27,315	40,752	30,033	45,660	37,037

Note: Percents may not add to 100% because of rounding.

Table 8. Number of hours spent drinking and amount of ethanol consumed prior to arrest for DWI, for convicted jail inmates, 1989

Hours spent drinking	Percent of jail inmates convicted of DWI	Average ethanol consumption prior to arrest
Total	100 %	8.1 ounces
1 hour or less	8.2	2.2
2-3	28.5	4.8
4-5	20.2	6.5
6-7	17.1	8.6
8-9	9.8	13.1
10-11	2.8	10.9
12 hours or more	13.3	16.4
Median	4.0	6.0 ounces
Number of jail inmates	26,508	

Note: Percents may not add to 100% because of rounding. Excludes an estimated 1,504 inmates who did not report drinking at the time of the offense and 926 inmates who were drinking but did not report the number of hours they spent drinking or the amount of ethanol consumed. No data was available for 437 inmates and 281 inmates were not asked the question because they reported they did not drink in the past year.

5.0 ounces or the equivalent of about 10 beers (table 9). Those drinking only liquor prior to arrest consumed a median quantity of ethanol of 8 ounces — approximately equal to 10 to 11 drinks — or nearly 60% more ethanol than those who drank only beer. Those who combined different beverages were estimated to have had an intake of ethanol nearly two and a half times that of those who drank beer only.

Those jail inmates convicted of DWI who consumed greater quantities of ethanol prior to arrest reported more frequent drinking sessions and consumed more alcohol at a typical session (table 10). Some evidence indicates that as the amount of ethanol consumed prior to arrest increased, the percent of those who described themselves as usually drinking daily also increased. Among those offenders reporting consumption of 2 ounces or less of ethanol prior to arrest, 18% described themselves as daily drinkers. By contrast, among those who had consumed at least 10 ounces of ethanol prior to arrest, 45% reported daily drinking.

Table 9. Type of alcoholic beverage and amount of ethanol consumed prior to arrest for DWI, for convicted jail inmates, 1989

Ounces of ethanol consumed	Percent of inmates convicted of DWI who drank:		
	Beer only	Liquor only	More than one type
Total	100 %	100 %	100 %
Less than 1 oz.	1.0%	1.8%	0
1 - 1.9	6.7	8.2	1.7
2 - 2.9	16.4	12.2	3.2
3 - 3.9	15.2	6.4	0
4 - 4.9	9.7	11.4	6.6
5 - 5.9	3.1	1.8	5.6
6 - 6.9	25.2	1.8	3.5
7 - 10.9	7.0	17.4	13.9
11 - 14.9	12.5	9.6	29.7
15 or more	3.2	29.5	35.8
Median ounces of ethanol consumed	5.0 ozs.	8.0 ozs.	13.5 ozs.
Number of jail inmates	16,322	4,489	5,100

Note: Percents may not add to 100% because of rounding. Excludes an estimated 576 inmates serving time in jail who reported only drinking wine. These cases are counted in the total distribution but because of the small number of cases, those who drank wine prior to arrest were not analysed. Excludes an estimated 1,504 inmates who did not report drinking at the time of the offense and 513 inmates who were drinking but did not report the amount of ethanol consumed. No data were available for 437 inmates and 281 inmates were not asked the question because they reported they did not drink in the past year.

Sentencing and DWI

Convicted offenders sentenced to jail are not representative of all persons who drive drunk or of those sentenced for DWI. Many first-time offenders may have driven drunk in the past but managed to avoid arrest or conviction. Also, a number of DWI offenders are under probation supervision in the community or have received other sanctions.⁸ The most chronic DWI

⁸On December 31, 1989, 37 States reported that 22.6% of the 1,831,432 adult offenders on probation had been convicted of DWI. Applied to the entire probation population of the 50 States and the District of Columbia (2,461,333 probationers), the estimated number of DWI offenders on probation would be more than 556,000 — perhaps 17 times the number of DWI offenders in local jails in 1989.

offenders may have been sentenced to State prisons rather than local jails.

Examination of the length of the imposed jail sentence for DWI may be useful since the inmates are more likely to be the chronic and serious offenders for whom the effect of a prior record can be gauged.

Of those with two or more prior DWI offenses, 3 out of every 4 people received a sentence of 4 months or more. The median jail sentence for first-time DWI offenders was 115 days. For those with two or more prior DWI offenses, the median jail sentence was 181 days.

Table 10. Usual drinking behavior of jail inmates convicted of DWI, by amount of ethanol consumed prior to arrest, 1989

Frequency of usual drinking	All convicted inmates	Percent of convicted jail inmates by amount of ethanol consumed prior to arrest			
		Less than 2 ounces	2 - 4.9 ounces	5 - 9.9 ounces	10 or more ounces
Total	100 %	100 %	100 %	100 %	100 %
Daily	35.5%	18.2%	26.7%	40.4%	44.5%
Once a week	36.1	36.8	40.1	35.0	32.8
Less than once a week	6.6	14.6	4.6	5.3	8.3
Once a month	9.7	21.1	10.6	9.7	6.2
Less than once per month	11.9	9.4	17.9	9.6	8.2
Median ounces of ethanol consumed prior to arrest	6.0 oz.	1.5 oz.	3.0 oz.	6.0 oz.	14.0 oz.
Number of jail inmates	26,021	1,807	8,687	7,610	7,916

Note: Percents may not add to 100% because of rounding. Excludes an estimated 1,504 inmates who did not report drinking at the time of the offense and 980 inmates who were drinking but did not report the frequency of their usual drinking or the amount of ethanol consumed. No data was available for 437 inmates and 281 inmates were not asked the question because they reported they did not drink in the past year.

Table 11. Length of sentence imposed for convicted DWI offenders, by number of prior DWI sentences to jail or prison, 1989

Sentence length	All	Percent of convicted DWI offenders		
		Prior DWI sentences to jail or prison		
		None	One	Two or more
Total	100 %	100 %	100 %	100 %
30 days or less	13.6%	16.3%	20.4%	4.8%
31 - 90	23.1	31.7	20.4	12.6
91 - 120	6.6	6.5	6.4	6.9
121 - 240	27.8	20.1	28.3	38.5
241 - 365	17.3	12.6	17.6	23.7
More than 1 year	11.6	12.7	7.0	13.4
Mean number of days	258	228	194	346
Median number of days	180	115	134	181
Number of jail inmates	23,061	10,549	5,212	7,299

Note: Percents may not add to 100% because of rounding.

Profile of those who reported being an alcoholic

Nearly two-thirds (64%) of the convicted DWI offenders in local jails categorized themselves as having been alcoholics. Among those who classified themselves as having been an alcoholic, about 77% reported prior participation in an alcohol treatment program.

History of participation in alcohol abuse treatment programs by those jail inmates charged with DWI, by number of prior sentences to jail or prison for DWI, 1989

	Percent of jail inmates charged with DWI who:		
	Number of jail inmates	Ever received treatment	Never received treatment
All jail inmates	17,211	76.9%	23.1%
Number of prior DWI sentences			
None	7,218	73.0%	27.0%
1	4,565	84.7	15.3
2	2,298	78.2	21.8
3 or more	3,130	73.7	26.3

Note: Includes only those persons who admitted to being an alcoholic.

Those who indicated that they had been an alcoholic reported consuming a median of 7.5 ounces of ethanol prior to arrest, compared to 4.5 ounces consumed by those who reported they had never been an alcoholic. The inmates who identified themselves as alcoholics, compared to others, also reported a more extensive history of convictions for DWI (59% had prior convictions versus 44%) and a higher percentage with daily drinking (44% versus 26%).

Characteristics of jail inmates charged with or convicted of DWI, by whether they reported being alcoholic, 1989

	Self-reported prior alcoholism:		
	Total	Yes	No
Age	100 %	100 %	100 %
17 - 20 years	1.0	0.5	1.5
21 - 24	9.6	5.2	14.6
25 - 29	23.6	24.3	22.8
30 - 34	26.9	29.3	24.2
35 - 39	11.8	12.9	10.7
40 - 44	9.2	10.7	7.5
45 - 49	8.7	8.0	9.6
50 or older	9.2	9.1	9.3
Number of prior DWI convictions	100 %	100 %	100 %
None	47.6	40.6	55.4
1	24.1	26.7	21.1
2	12.5	13.1	11.9
3 or more	15.9	19.7	11.6
Frequency of usual drinking	100 %	100 %	100 %
Daily	35.6	44.3	25.8
Once a week	34.1	26.3	42.9
Less than once a week	6.3	7.4	5.0
Once a month	10.3	11.3	9.2
Less than once per month	13.7	10.6	17.1
Ounces of ethanol consumed prior to arrest	100 %	100 %	100 %
Less than 2 ounces	7.1	6.6	7.6
2 - 4.9	33.2	23.0	45.4
5 - 9.9	29.5	28.6	30.5
10 or more	30.2	41.7	16.4
Median ounces of ethanol	6.0 oz	7.5 oz.	4.5 oz.
Number of jail inmates	30,884	16,332	14,552

Note: Excludes an estimated 1,426 inmates whose alcoholic status is unknown and an additional 568 inmates for whom no information was available on the frequency of their usual drinking behavior and 5,151 inmates whose alcohol consumption was equal to 0.

Of those jail inmates convicted and sentenced for DWI, 42% were given as part of their sentence a special condition or restriction other than jail time, prison, parole, or probation. Half of these 11,901 jail inmates were required to attend an alcohol treatment program.

Location of drinking

About 4 out of 5 offenders convicted of DWI and serving time in jail reported that they had been drinking with others prior to their arrest.

Alone	17.2%
At home	5.8
In a vehicle	5.3
Other place	6.1
With others	82.8%
At home	7.8
At a friend's house	24.9
In a vehicle	9.2
In a bar/tavern/inn	32.3
Other place	8.7

Those who drank with others were more likely to have been drinking in a bar/tavern/inn or a friend's house.

Appendix: Estimating blood alcohol concentration (BAC)

Blood alcohol concentration (BAC) refers to the number of grams of pure alcohol present in 100 milliliters of blood. The BAC of an individual may be established by a variety of testing procedures including chemical breath analysis, saliva testing, blood testing, urinalysis, or chemical analysis of tissue samples.

Calculating the BAC levels of convicted DWI offenders in jail is useful for two reasons. First, estimating blood alcohol concentration checks the validity of the self-reported amounts consumed prior to arrest: whether such amounts seem reasonable or even physiologically possible. Second, BAC provides a measure of intoxication that can be compared to other groups of drivers for whom BAC is known — such as drinking drivers involved in fatal accidents.

Blood alcohol concentrations may be affected by numerous factors, including physiological differences, food consumption, the amount of ethanol ingested, and the time elapsed between drinking and testing. Several assumptions underlie the estimates of blood alcohol concentration presented here:

1. An average rate of metabolism was assumed for the jail inmates equivalent to the general population, though such rates are known to vary because of differences in physiology and alcohol tolerance.
2. The self-reported body weight used in the calculations was assumed to be the correct weight.
3. The rate of alcohol consumption was assumed to be stable over the drinking session prior to arrest. If, for example, 6 ounces of ethanol were consumed during a 4-hour drinking session, the formula

assumes that 1.5 ounces of ethanol were consumed per hour.

State statutes often define two types of minimum BAC that constitute evidence of intoxication — "illegal per se" and "presumptive" levels. Presumptive levels of intoxication are generally lower than illegal per se levels and require a different burden of proof to convict an individual of drunk driving. Across the States, illegal per se blood alcohol levels cluster around 0.10, but several States define it as low as 0.08 and others as high as 0.15. Presumptive levels for DWI or DUI may range from 0.05 and up but also cluster at the 0.10 level.

The President's Commission on Drunk Driving has recommended that a presumptive BAC of .08 be enacted by State legislatures (November 1983). A BAC level above .05 is described as

Appendix table 1. Estimated mean blood alcohol concentration (BAC) at arrest of jail inmates convicted for DWI, 1989

	Blood alcohol concentration (BAC)
Age	
17-24 years	0.20
25-29	0.21
30-34	0.20
35-39	0.25
40-44	0.21
45-49	0.16
50 or more	0.24
Number of prior DWI convictions to jail or prison	
None	0.21
1	0.23
2	0.18
3 or more	0.21
Number of hours spent drinking before arrest	
1 hour or less	0.11
2	0.16
3	0.20
4	0.23
5	0.20
6	0.23
7	0.27
8	0.32
Beverage consumed prior to arrest	
Beer	0.18
Wine	0.17
Liquor	0.25
More than one type	0.32

Number of jail inmates 29,223

Note: Excludes an estimated 8,062 jail inmates who were drinking at the time of the offense but did not report one or more of the following: amount of ethanol consumed, the number of hours spent drinking prior to the arrest or their weight. BAC is estimated for those who reported drinking for up to 8 hours before their arrest; the number of unweighted cases who reported drinking for more than 8 hours may result in unreliable estimates.

"driving while impaired" by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) Clearinghouse on Alcohol Information.

The estimated BAC was highest among inmates age 35 to 39 and those age 50 to 64 (appendix table 1). BAC's did not vary greatly based on the number of prior DWI convictions. As with ethanol consumption, BAC's escalated with the number of hours spent drinking. The BAC increased from 0.11 for those who drank 1 hour or less to 0.32 for those who drank for 8 hours. The BAC varied by the type of beverage consumed, although the highest BAC levels were found among those who drank combinations of beverages (0.32).

Jail inmates were estimated to have had a median BAC at the time of the DWI arrest of 0.19 and an average (mean) BAC of 0.21 (appendix table 2). The distribution of BAC levels for DWI jail inmates was similar to the BAC levels of drinking drivers involved in fatal accidents in 1989, suggesting that the average degree of intoxication of both groups was similar.

Appendix table 2. Comparison of estimated blood alcohol concentration for fatal accident drivers in 1989 and convicted DWI offenders in local jails, 1989

	Estimated BAC, 1989	
	Drinking drivers involved in fatal accidents*	Jail inmates
Mean	0.16	0.21
75th percentile	0.22	0.34
50th percentile (median)	0.16	0.19
25th percentile	0.11	0.09

*Data were provided by Dr. Terry S. Zobeck of the Alcohol Epidemiology Data System of the National Institute on Alcoholism and Alcohol Abuse. BAC test results were available for approximately 46% of 27,803 drivers involved in fatal accidents in 1989. Testing methods included blood, breath, urine, saliva, and other types of analyses that varied from case to case. Note that these data cover drivers involved in fatal accidents with measurable amounts of alcohol in their blood, regardless of whether the drinking driver caused the accident or intoxication contributed to the accident.

Formula for calculating BAC after multiple hours of drinking (Widmark Formula)

The National Highway Traffic Safety Administration (NHTSA) has provided a formula for use in this study that permits an estimate of BAC to be made based upon the self-reported drinking behavior before arrest of the jail inmates. The methodology for estimating BAC was supplied by Dr. Alfred J. Farina, Research Psychologist, Research Division, National Highway Traffic Safety Administration.

$$\text{BAC}(h) = [(A/r \times p)]/10] - (h \times k)$$

BAC(h) = Blood alcohol concentration at time h

A = grams of ethanol consumed which is equal to:

$$[(\text{liquid ounces ethanol}) \times (.82)]/.035$$

r = reduced body mass (.68 for males and .55 for females)

p = weight in kilograms which is equal to: weight in pounds/2.2046

h = hours drinking

k = estimated rate at which the body metabolizes ethanol (.015 ounces per hour)

Based on this formula, a male DWI offender who weighs 173 pounds (78.47 kilograms) and who consumes 12 beers or about 6 ounces of ethanol (140.57 grams by weight) in 4 hours would have an estimated BAC of 0.2 when he finished drinking:

$$\begin{aligned} \text{BAC}(h) &= [(140.57/((.68 \times 78.47)))/10] - (4 \times .015) \\ &= (2.634/10) - (.06) \\ &= .263 - .06 \\ &= .203 \end{aligned}$$

Appendix table 3. Estimating the effect of age on DUI arrests, 1980 and 1989

	A	B	C	D	E	F
	Number of arrests, 1980	Arrest rate, 1980 ^a	Number of licensed drivers, 1989 ^b	Expected number of arrests, 1989	Actual number of arrests, 1989	Difference between actual and expected number of arrests, 1989
Total	1,424,735	981	165,518	1,623,732 ^c	1,734,912	185,479
Age						
16 - 17	30,813	668	3,756	25,090	18,899	(6,191)
18 - 20	183,201	1,757	9,010	158,306	144,800	(13,506)
21 - 24	274,706	1,784	13,775	245,746	300,717	54,971
25 - 29	255,034	1,347	20,569	277,064	384,402	107,338
30 - 34	186,907	1,076	20,514	220,731	304,748	84,017
35 - 39	136,456	996	18,560	184,858	208,378	23,520
40 - 44	105,133	944	16,120	152,173	140,629	(11,544)
45 - 49	84,356	837	12,584	105,328	91,189	(14,139)
50 - 54	69,216	686	10,259	70,377	57,215	(13,162)
55 - 59	49,732	509	9,506	48,386	38,031	(10,355)
60 - 64	27,559	335	9,313	31,199	24,389	(6,810)
65 and older	21,622	140	21,553	30,174	21,512	(8,662)

Note: The expected number of arrests in 1989 (Column D) is calculated by the following formula: $(B/100) \times C = D$. The total for Column D is the sum of expected arrests at each age. The difference between actual and expected arrests (Column F) is

calculated by the following formula: $E - D = F$.

^aNumber of arrests per 100,000 licensed drivers in each age group.

^bEstimated in thousands.

^cSum of the individual age estimates.

Number of arrests for DUI per 100,000 licensed drivers, by age and year of birth

Year of birth	Number of arrests per 100,000 licensed drivers of these ages						
	18	19	20	21	22	23	24
1958	1,068	2,521	4,072	5,850	7,689	9,581	11,707
1959	1,288	2,766	4,545	6,492	8,461	10,653	12,918
1960	1,344	2,967	4,832	6,958	9,310	11,710	13,920
1961	1,486	3,288	5,319	7,822	10,327	12,627	14,912
1962	1,586	3,455	5,789	8,325	10,708	13,004	15,298
1963	1,596	3,737	6,096	8,575	10,933	13,284	15,479
1964	1,787	3,873	6,082	8,490	10,910	13,112	15,367
1965	1,623	3,596	5,713	8,197	10,453	12,750	14,896
1966	1,526	3,374	5,494	7,760	10,107	12,222	
1967	1,428	3,314	5,195	7,606	9,803		
1968	1,532	3,157	5,083	7,369			
1969	1,340	3,064	4,880				
1970	1,435	3,067					
1971	1,347						

Bold face denotes the birth cohort with the highest rate for the specified age.

DUI arrest rates for specific ages can be compared across different years of birth. Persons born in 1958 who became 24 years old in 1982 would have accumulated an estimated 11,707 arrests per 100,000 licensed drivers between the ages of 18 and 24 — about 1 arrest for every 8.5 drivers. By comparison, those born 5 years later who became 24 in 1987, accumulated 32% more arrests —

15,479 arrests per 100,000 licensed drivers, or 1 arrest for every 6.5 drivers. Those born in 1963 were more likely to accumulate more arrests by age 24 than either their predecessors or those born later. Persons born in 1963 became 21 years old at about the same time that States began phasing in new, higher minimum-age laws for the purchase of alcoholic beverages.

Note: See note, table 2.

Methodology

A jail is defined as a confinement facility administered by a local government agency that holds persons detained pending adjudication and persons committed after adjudication, usually for sentences of a year or less. Convicted jail inmates are either awaiting sentencing, serving sentences to jail confinement, awaiting transfer to a prison or serving a prison sentence in jail by arrangement with prison authorities. Unconvicted inmates are those who have been unable to obtain pretrial release, those detained pending trial, those on trial at the time the survey was being conducted, and those held for other governmental entities.

The 1989 Survey of Inmates in Local Jails was conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census. Through personal interviews during July, August, and September 1989, data were collected on individual characteristics of jail inmates, current offenses and sentences, criminal histories, and prior alcohol use and treatment. Similar surveys of jail inmates were conducted in 1972, 1978, and 1983.

Because of increased public, legislative, and law enforcement interest in the problem of drunk driving in recent years, the data for jail inmates in 1989 may not reflect the current jail population.

The formulas used for calculating ounces of ethanol and blood alcohol concentration are described in the appendix or below. In cases where extreme outliers or impossible responses were found, data were treated as missing.

Conversion formulas for ethanol

For the purposes of this report the following conversions were used:

- 1 ounce of ethanol is equal to —
- * 24 ounces of beer (4% alcohol content);
- * 7 ounces of wine (14% alcohol content);
- * 2 ounces of liquor (100 proof or 50% alcohol content)

Mixed drinks were assumed to contain 1.5 ounces of liquor. However, these conversions are approximations since some beer, wine, or liquor may have a different alcoholic content.

Sample design

The sample for the 1989 survey was selected from a universe of 3,312 jails enumerated in the 1988 National Jail Census. The sample design was a stratified two-stage selection. In the first stage six separate strata were formed based on the size of the male and female populations. In two strata all jails were selected; in the remaining four strata, a systematic sample of jails was selected proportional to the size of each jail. Overall, a total of 424 local jails were selected. In the second stage, interviewers visited each sampled facility and systematically selected a sample of male and female inmates using predetermined procedures. As a result, approximately 1 of every 70 men were selected and depending on the stratum, 1 of every 14, 15, or 70 women were selected. A total of 5,675 interviews were completed, yielding an overall response rate of 92.3%.

Based on the completed interviews, estimates for the entire population were developed using weighting factors derived from the original probability of selection in the sample. These factors were adjusted for variable rates of nonresponse across strata and inmate characteristics. Further adjustments were made to control the survey estimates to counts of jail inmates obtained from the 1988 National Jail Census and the 1989 Sample Survey of Jails.

Accuracy of the estimates

The accuracy of the estimates presented in this report depends on two types of errors: sampling and nonsampling. Sampling error is variation that may occur by chance because a sample rather than a complete enumeration of the population was conducted. Nonsampling error can be attributed to many sources, such as non-response, differences in the interpretation of questions among inmates, recall difficulties, and processing errors. In any survey the full extent of the nonsampling error is never known.

The sampling error, as measured by an estimated standard error, varies by the size of the estimate and the size of the base population. Estimates of the standard errors have been calculated for the 1989 survey of jail inmates, (see appendix table 4). These standard errors may be used to construct confidence intervals around percentages in this report. For example,

the 95-percent confidence interval around the percentage of convicted jail inmates in 1989 who had 2 or more prior DWI sentences to jail or prison is 30.0 plus or minus 1.96 times 2.9 (or 24.3% to 35.7%).

These standard errors may also be used to test the statistical significance of the difference between two sample statistics by pooling the standard error of the two sample estimates. For example, the standard error of the difference in the percentage of convicted jail inmates in 1989 who reported they had 2 or more prior sentences to jail or prison compared to those unconvicted jail inmates who reported they had 2 or more prior sentences to jail or prison would be 6.4 (or the square root of the sum of the squared standard errors in each category). The 95% confidence interval around the difference would be 1.96 times 6.4% (or 12.5%). Since the observed difference of 14.0% (30.0% minus 16.0%) is greater than 12.5%, the difference would be considered significant.

Appendix table 4. Standard errors of the estimated percentages, all jail inmates, 1989

Base of the estimate and year	Estimated percentages					
	98 or 2	95 or 5	90 or 10	80 or 20	70 or 30	50
1,000	4.4	6.9	9.5	12.7	14.6	15.9
5,000	2.0	3.1	4.3	5.7	6.5	7.1
10,000	1.4	2.2	3.0	4.0	4.6	5.0
25,000	0.9	1.4	1.9	2.5	2.9	3.2
50,000	0.6	1.0	1.3	1.8	2.1	2.2
100,000	0.4	0.7	1.0	1.3	1.5	1.6
200,000	0.3	0.5	0.7	0.9	1.0	1.1
395,553*	0.2	0.3	0.5	0.6	0.7	0.8

Note: The reliability of an estimated percentage depends on the size of the percentage and its base. Each standard error when multiplied by 1.96 provides a 95-percent confidence interval around an estimated percentage. To calculate the standard error of the difference between two estimated percentages, take the square root of the sum of each squared standard error for the percentages being compared.

*The total number of jail inmates in 1989.

Comparisons discussed in this report were determined to be statistically significant at the 95 percent confidence level. Statements of comparison qualified by language such as "slightly", "somewhat," or "marginal" indicate statistical significance at the 90% level (1.6 standard errors). Because of the sample design, State, local, or other sub-national estimates cannot be made.

Self-reported information

Criminal history data are based on self-reported information provided by each respondent. Through a series of questions, inmates were asked to report on past probation sentences as juveniles and as adults and on past sentences to incarceration up to 10 prior times. For each sentence, the inmates were asked the offenses for which they were sentenced, the type of institution in which they served time, the date of admission, and the length of time actually served. From this information, a criminal history profile was constructed.

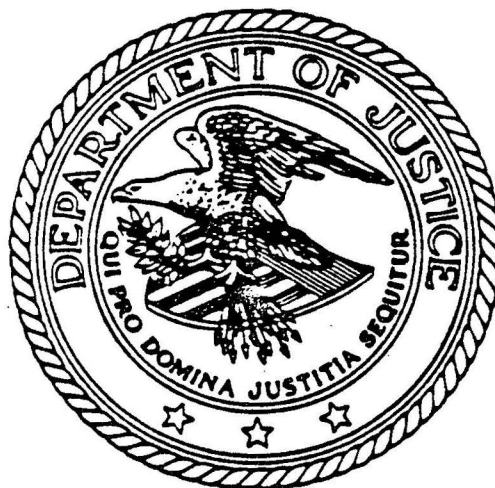
Bureau of Justice Statistics Special Reports are written primarily by BJS staff. This Special Report was written by Robyn L. Cohen, under supervision of Allen J. Beck. Tracy L. Snell reviewed the statistics, and Rhonda Keith and Darrell K. Gilliard produced the graphs. Tom Hester edited the report, and Betty Sherman produced the report. Corrections statistics are prepared under the general direction of Lawrence A. Greenfeld.

NCJ-134728 September 1992

The Bureau of Justice Statistics is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Data used in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The dataset is archived as the Survey of Inmates of Local Jails (ICPSR 9419).

DOJ EXECUTIVE SECRETARIAT CROSS-REFERENCE RECORD



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DEPARTMENT OF JUSTICE
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Date Received: 07-22-92 Date Due: NONE Control #: X92072311087
Subject & Date
07-21-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS NEWS
RELEASE SCHEDULED FOR JULY 26, 1992, REGARDING DRUG
INTERVENTION IN STATE AND FEDERAL PRISONS. A COPY OF THE
RELEASE HAS BEEN TRANSMITTED TO PAO, WHERE IT IS UNDER
REVIEW.

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Bureau of Justice Statistics

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EXECUTIVE SECRETARIAT

JUL 21 1992

MEMORANDUM TO: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé *for*
Assistant Attorney General

FROM: *for* Steven D. Dillingham, Ph.D. *mum*
Director

SUBJECT: Bureau of Justice Statistics News Release--
Drug Intervention in State and Federal Prisons

Almost 90 percent of the nation's 1,287 Federal and state correctional institutions test inmates for illegal drugs and more than 40 percent test staff members. As of June 1990, all 80 Federal institutions and almost all of the 250 state community-based facilities reported having a drug testing program for inmates. Approximately 83 percent of the 957 state prisons also reported having a testing program.

The findings are from a 1990 census of the nation's correctional facilities and is the first time that detailed information about illegal drugs in prisons has become available. Whereas about three-quarters of the facilities reported suspicion-based testing, about six in 10 reported testing random groups of inmates, and two in 10 reported testing every inmate at least once during his/her period of confinement.

About 80 percent of the Federal and state prisons that tested for marijuana, the most commonly detected drug, found evidence of its use. Among the 764 prisons which conducted nearly 400,000 urine tests for marijuana use, more than 22,000, or a little less than 6 percent of the tests were positive. Among the tests for cocaine use, about 3 percent were positive.

There was a variety of approaches to avert the flow of illegal drugs into their facilities. A majority of institutions frisked or patted-down inmates when they entered the facility and required a change of clothing, and almost half the prisons nationwide required a body cavity search at entry. Similar procedures were often used on visitors and staff members--almost nine in 10 prisons conducted a search of visitor belongings and almost half of Federal and state prisons reported patting-down staff.

The study found that facilities using intrusive search techniques generally reported a lower percentage of inmates who tested positive. For example, among facilities which only verbally questioned and patted-down entering inmates, 13.5 percent of the tests administered for marijuana were found to be positive and 5.2 percent for cocaine were positive. Among facilities using a combination of clothing exchange and a body cavity search of entering prisoners, 2.6 percent of those tested for marijuana were positive and 1.2 percent for cocaine were positive. Other findings included:

--On June 29, 1990, state and Federal correctional facilities had drug treatment programs with an estimated capacity of 132,000 people. At the time, there were approximately 100,200 participants enrolled.

--On the same date, about 76 percent of the available drug treatment capacity in state and Federal correctional institutions was in use.

--Community-based correctional facilities relied primarily on testing for drug enforcement. Only a quarter of such facilities required entering residents to change clothes. These facilities--which are often used for prerelease programs or study or work release training--permit residents to come and go unaccompanied.

--Testing procedures for personnel vary substantially for Federal and state prisons--while more than half of Federal prisons reported that all staff members and new hires are tested for illegal drug use, only 13 percent of state prisons reported testing such personnel.

--About two in 10 state prisons and almost six in 10 Federal prisons that tested staff operated a program to assist staff members who tested positive.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, JULY 26, 1992

BJS
202-307-0784

DRUG ENFORCEMENT IN STATE AND FEDERAL PRISONS

WASHINGTON, D.C. -- Almost 90 percent of the nation's 1,287 federal and state correctional institutions test inmates for illegal drugs and more than 40 percent test staff members, the Bureau of Justice Statistics (BJS) announced today. BJS, a Department of Justice agency in the Office of Justice Programs, said that as of June 1990, all 80 federal institutions and almost all of the 250 state community-based facilities reported having a drug testing program for inmates. Approximately 83 percent of the 957 state prisons also reported having a testing program.

The findings are from a 1990 census of the nation's correctional facilities and make available for the first time detailed information about illegal drugs in prisons. Whereas about three-quarters of the facilities reported suspicion-based testing, about six in 10 reported testing random groups of inmates, and two in 10 reported testing every inmate at least once during his or her period of confinement.

"About 80 percent of the federal and state prisons that tested for marijuana, the most commonly detected drug, found evidence of its use," said BJS director Steven D. Dillingham.

-MORE-

"Among the 764 prisons which conducted nearly 400,000 urine tests for marijuana use, more than 22,000, or a little less than 6 percent of the tests, were positive. Among the tests for cocaine use, about 3 percent were positive," Dillingham noted.

There was a variety of approaches to avert the flow of illegal drugs into their facilities. A majority of institutions frisked or patted-down inmates when they entered the facility and required a change of clothing, and almost half the prisons nationwide may conduct required a body cavity search at entry. Similar procedures were often used on visitors and staff members--almost nine in 10 prisons conducted a search of visitor belongings and almost half of federal and state prisons reported frisking staff members.

The study found that facilities using intrusive search techniques generally reported a lower percentage of inmates who tested positive. For example, among facilities which only verbally questioned and patted-down entering inmates, 13.5 percent of the tests administered for marijuana were found to be positive and 5.2 percent for cocaine were positive. Among facilities using a combination of clothing exchange and a body cavity search of entering prisoners, 2.6 percent of those tested for marijuana were positive and 1.2 percent for cocaine were positive. Other findings included:

--On June 29, 1990, state and federal correctional

-MORE-

facilities had drug treatment programs with an estimated capacity of 132,000 people. At the time, there were approximately 100,200 participants enrolled.

--On the same date, about 76 percent of the available drug treatment capacity in state and federal correctional institutions was in use.

--Community-based correctional facilities relied primarily on testing for drug enforcement. Only a quarter of such facilities required entering residents to change clothes. These facilities--which are often used for prerelease programs or study or work release training--permit residents to come and go unaccompanied.

--Testing procedures for personnel vary substantially for federal and state prisons. While more than half of federal prisons reported that all staff members and new hires are tested for illegal drug use, only 13 percent of state prisons reported testing such personnel.

--Among state prisons reporting staff testing, about one in three said that a first positive drug test resulted in immediate dismissal and about six in 10 said such a matter was normally referred to an internal affairs unit for follow-up.

--About two in 10 state prisons and almost six in 10 federal

prisons that tested staff members operated a program to assist personnel who tested positive.

Single copies of the special report, "Drug Enforcement and Treatment in Prisons, 1990" (NCJ-134724) as well as other BJS publications and data may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs & Crime Data Center & Clearinghouse on 1-800-666-3332.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

#

Bureau of Justice Statistics Special Report

Drug Enforcement and Treatment in Prisons, 1990

By Caroline Wolf Harlow, Ph.D.
BJS Statistician

About 7 of every 8 prisons in the Nation tested an estimated total of 565,500 inmates for one or more illegal drugs between July 1, 1989, and June 30, 1990. In State facilities, 3.6% of the tests for cocaine, 1.3% for heroin, 2% for methamphetamine, and 6.3% for marijuana found evidence of drug use. In Federal prisons, 0.4% of the tests for cocaine, 0.4% for heroin, 0.1% for methamphetamine, and 1.1% for marijuana were positive.

This report uses information provided by 957 State prison facilities, 250 State community-based facilities, and 80 Federal prisons operating on June 29, 1990. Authorities reported data to the Census of State and Federal Adult Correctional Facilities. Censuses were also conducted in 1984, 1979, and 1974, but the 1990 census was the first to collect information on drug interdiction practices, drug testing of inmates and staff, and inmate drug treatment programs.

Other findings from the 1990 census include the following:

- All State community-based facilities — those in which at least half of the residents may leave the facility daily — tested residents. All Federal prisons and 83% of State prisons reported that they tested inmates for drug use.

- Seventy-six percent of institutions reported testing inmates for drugs when drug use was suspected. Twenty percent tested all inmates at least once during confinement.

July 1992

This study examines how State and Federal correctional facilities seek to stop the entry and use of illegal drugs. Based on the 1990 Census of State and Federal Correctional Facilities, the report indicates that nearly 9 in 10 institutions conduct urine surveillance among the inmate population, usually on a random basis or on suspicion of use. Marijuana and cocaine were the drugs most commonly detected — in Federal facilities about 1 in 100 of the tests for marijuana and 1 in 250 tests for cocaine were positive while in State facilities about 1 in 16 tests were positive for marijuana and 1 in 28 were positive for cocaine.

I want to express my deep appreciation to the employees in the 957 State prisons, 80 Federal prisons, and the 250 community-based facilities who participated in the Census. The 100-percent response rate is, I believe, important testimony to the utility and significance of national data on the operations of our Nation's correctional facilities.

Steven D. Dillingham, Ph.D.
Director

- At State confinement facilities 1.4% of tests for cocaine, 1% for heroin, 2.3% for methamphetamine, and 5.8% for marijuana indicated drug use.

- At State community-based facilities 8.9% of tests for cocaine confirmed the presence of the drug as did 2.2% for heroin, 1.1% for methamphetamine, and 8.1% for marijuana.

- State confinement facilities that only tested inmates suspected of drug use had higher positive rates than facilities that tested all or random groups of inmates (6% for cocaine and 14% for marijuana versus 1.5% for cocaine and 5% for marijuana).

- State and Federal facilities used a variety of methods to prevent drugs from being brought into the institution, including questioning, patdowns, clothing exchanges, and body cavity searches.

- At admission inmates were required to exchange clothing in 88% of the Federal prisons and 59% of State prisons; inmates were patted down in 88% of Federal prisons and 78% of the State prisons.

- In the facilities using the most intrusive interdiction technique, body cavity searches, positive drug test results among inmates tested were lower than in facilities using other methods of interdiction.

- Questioning and search of belongings were widely used for visitors to both Federal and State facilities.

- Federal confinement facilities reported that they could provide drug treatment for an estimated 7,800 inmates; State confinement facilities, for 114,000; and State community-based facilities, for 9,400.

- Federal facilities were using an estimated 62% of total drug treatment capacity on June 29, 1990; State confinement facilities, 78%; and community-based facilities, 66%.

Introduction

The Census of State and Federal Adult Correctional Facilities, conducted periodically by the Bureau of the Census on behalf of the Bureau of Justice Statistics (BJS), included a new series of questions in 1990. (See *Methodology* on page 12 for further information about the census and the questionnaire.) This addendum — designed with the assistance of the National Institute on Drug Abuse and the Office of National Drug Control Policy — asked how facilities interdict drugs and paraphernalia among inmates, visitors, and staff and who was chosen for each method of interdiction.

In addition, the addendum gathered information on drug testing policies, practices, and outcomes. The questionnaire asked facilities to estimate the number of inmates in need of drug treatment programs and the capacity of currently available programs.

Interdiction activities

Most prison facilities patted down inmates and required them to exchange clothes upon admission or any reentry

Prison facilities perform many activities to prevent drugs and other contraband from entering. Correctional authorities commonly question inmates, pat them down, require changing into prison-furnished clothes, and search body cavities. Eighty-eight percent of Federal facilities reported that they patted down new admissions and required them to replace their clothes (table 1). Seventy-eight percent of State confinement facilities and 71% of community-based facilities patted down newly admitted inmates.¹ Fifty-nine percent of State confinement facilities and 26% of community-based facilities required them to

¹ Community-based facilities are those in which half or more of the residents are permitted to leave unaccompanied for work or study. Because inmates regularly leave community-based facilities, drug-related problems in these facilities are different from those in secured facilities.

substitute prison clothes. At least three-quarters of both State and Federal facilities questioned new admissions about drugs.

Table 1. Drug interdiction activities for prison inmates/residents, by type of facility, June 1990

Interdiction activity and group targeted	Federal confinement	State	
		Confinement	Community-based
Inmates at admission			
Verbal questioning	83.8%	74.9%	79.2%
Patdown	87.5	77.7	71.2
Clothing exchange	87.5	59.0	26.0
Body cavity search	61.3	45.1	14.4
Other	30.0	25.8	36.4
Inmates returning from temporary release			
Verbal questioning	72.5	66.5	68.0
Patdown	81.3	79.7	81.6
Clothing exchange	72.5	54.5	29.2
Body cavity search	63.8	47.6	20.4
Other	35.0	30.9	36.8
Number of facilities	80	957	250

Note: "Other" includes such measures as visual search, drug testing, and strip search that examines clothing and body surfaces.

B. Indicate the types of interdiction activities for inmates/residents and the groups of inmates/residents targeted.

Type of interdiction activity

1. Verbal questioning
2. Patdown
3. Clothing exchange
4. Body cavity search
5. Other —
Specify

Mark (X) all that apply

New admissions

Inmates/residents returning from temporary absences*

All	Suspected drug users/couriers	At random	All	Suspected drug users/couriers	At random
(a)	(b)	(c)	(d)	(e)	(f)

*e.g., furlough, work release, study release, contact visitation, etc.

Methods of drug interdiction

Different facilities have a variety of policies and practices relating to the interdiction of drugs from inmates, visitors, and staff.

Facilities may physically check persons entering the facility. Inmates may be checked for the possession of drugs or other contraband when they enter a facility for the first time or re-enter after an absence. (The above reproduced portion of the addendum deals with interdiction activities among inmates; similar sections asked about policies for visitors and staff.)

The checks may be relatively nonintrusive, such as verbal questioning or patdowns,

or more intrusive, such as body cavity searches and clothing exchanges or searches of belongings. These checks may be conducted among all entering persons, random groups, or only those suspected of carrying drugs. Many prisons may use all of the approaches at different times.

The figure at right shows a general typology for the range of methods for each type of drug interdiction. A plus sign (+) indicates the use of a method and a minus sign (-) means no reported use. Type 1 facilities, for example, reported using all three methods to choose persons for an interdiction activity. Type 4 facilities reported performing an interdiction activity

on all persons but not choosing random or suspected subjects.

(The same typology is applied to drug testing. See the discussion, pages 5 to 10.)

Type of Interdiction	Who was chosen		
	All	Random	Suspected
Type 1	+	+	+
Type 2	+	+	-
Type 3	+	-	+
Type 4	+	-	-
Type 5	-	+	+
Type 6	-	+	-
Type 7	-	-	+
Type 8	-	-	-

When looking for the presence of hidden drugs, facilities were less likely to perform body cavity searches than take other interdiction measures. Sixty-one percent of Federal facilities, 45% of State confinement facilities, and 14% of State community-based facilities reported that they conducted body cavity searches among inmates at admission.

Institutions could apply an interdiction activity to all inmates, to groups of inmates selected at random, or to suspected drug users or couriers. Patting down new and returning inmates and requiring them to exchange clothes generally applied to all inmates (table 2). Over 80% of Federal facilities patted down all inmates and required an exchange of clothing. Almost 78% of State confinement facilities frisked all inmates, and 57% substituted prison clothes.

In 46% of Federal facilities and in 20% of State facilities, body cavity searches were

conducted among all entering inmates. About 39% of State confinement facilities reported that a body cavity search would be conducted when the staff suspected inmates to be carrying drugs.

Most facilities searched the belongings of visitors

Staff checked visitors' belongings for drugs in 93% of Federal institutions, 87% of State confinement facilities, and 76% of the community-based (table 3). Visitors were patted down for drugs in 51% of Federal prisons, 69% of State confinement institutions, and 40% of community-based facilities.

All visitors were generally subjected to searches of their belongings (table 4). About 83% of Federal facilities and 57% of State facilities looked through the personal possessions of all visitors. Frisking visitors for drugs and checking body cavities occurred primarily if visitors were suspected of carrying drugs or para-

phernalia. Five in ten of Federal prisons and 4 in 10 of State facilities patted down visitors on suspicion. About 28% of Federal facilities and 18% of State facilities searched body cavities of visitors if the visitors were suspected of smuggling drugs.

Table 3. Drug interdiction activities for prison visitors, by type of facility, June 1990

Interdiction activity	Federal confinement	State	
		Confinement	Community-based
Verbal questioning	97.5%	78.7%	82.4%
Patdown	51.3	69.4	39.6
Belongings search	92.5	87.4	75.6
Body cavity search	27.5	22.4	5.2
Other	30.0	21.1	6.8
Number of facilities	80	957	250

Table 4. Criteria for selection of visitors for drug interdiction activities, by jurisdiction of facility, June 1990

Activity and who was chosen	Federal	State
Verbal questioning		
All visitors	83.8%	32.8%
Random groups	2.5	7.6
Suspect visitors	22.5	50.5
Patdown		
All visitors	0	22.2
Random groups	2.5	5.9
Suspect visitors	50.0	40.0
Belongings search		
All visitors	82.5	57.1
Random groups	5.0	6.6
Suspect visitors	22.5	34.2
Body cavity search		
All visitors ^a	0	.0*
Random groups ^b	0	.7
Suspect visitors ^b	27.5	18.4
Number of facilities	80	1,207

Note: Criteria for selection of visitors are arranged in overlapping categories.

*Less than 0.05%.

^aOne State confinement facility checked body cavities of any visitor to a prisoner.

^bVisitors suspected of bringing drugs into the facility.

Table 2. Criteria for drug interdiction activity for prisoners in Federal and State confinement facilities, June 1990

Who was chosen for interdiction	Summary of selection criteria	Interdiction activity							
		Verbal questioning		Patdown		Clothing exchange		Body cavity search	
		Federal	State	Federal	State	Federal	State	Federal	State
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
All inmates, inmates chosen randomly and inmates suspected of using drugs	type 1	6.3	9.7	13.8	9.7	6.3	4.2	2.5	2.3
All inmates and inmates chosen randomly	type 2	3.8	6.1	8.8	7.9	2.5	2.3	1.3	1.4
All inmates and inmates suspected of using drugs	type 3	3.8	9.4	2.5	8.3	1.3	8.4	6.3	3.2
All inmates but no other criteria	type 4	67.5	38.3	57.5	51.8	72.5	41.6	36.3	12.7
Inmates chosen randomly and inmates suspected of using drugs	type 5	1.3	4.6	1.3	3.3	0	3.0	1.3	2.1
Only inmates chosen randomly	type 6	3.8	3.7	5.0	3.3	3.8	3.3	2.5	1.7
Only inmates suspected of using drugs	type 7	0	9.9	0	5.5	1.3	5.3	15.0	31.1
No reported interdiction activity	type 8	13.8	18.3	11.3	10.0	12.5	31.9	35.0	45.5
Number of facilities		80	957	80	957	80	957	80	957

Note: Facilities indicated whether they performed an interdiction activity on all inmates, on suspected drug users/couriers and on inmates at random. Criteria for selection of inmates are arranged in mutually exclusive categories.

Staff were also subject to drug interdiction activities

When reporting to work, staff were patted down in about half of State confinement facilities and in more than a fifth of Federal confinement and State community-based facilities (table 5). In over 50% of Federal facilities and 40% of State facilities staff were questioned. Most interdiction activities involving the staff were conducted on suspicion of smuggling drugs. About 45% of Federal facilities and 23% of State facilities interrogated staff if they were suspected of drug involvement (table 6). About 19% of Federal facilities also patted down staff on suspicion, compared to 14% of State facilities. About 23% of State facilities frisked staff members at random.

Maximum security facilities took more stringent drug interdiction measures than other facilities

Staff in Federal maximum security prisons were more likely than those in medium or minimum security facilities to search body cavities and to require all inmates to exchange clothing (table 7). All Federal maximum security institutions required all inmates to put on new prison-issued clothes upon entry or re-entry. Nearly 55% of Federal maximum security facilities, compared to 38% of minimum security prisons, conducted body cavity searches of all newly admitted or returning inmates.

In maximum security prisons staff were less likely than in other Federal facilities to ques-

tion all of the inmates or to pat them down. All inmates were interrogated in 64% of maximum security prisons and frisked in 73%, while all inmates were questioned in 94% of minimum security facilities and patted down in 81%.

The staff in State maximum and medium security prisons were more likely than those in minimum security facilities to make all entering or returning inmates exchange clothes (over 60% of maximum or medium security prisons, compared to 47% of minimum security prisons). In nearly 1 in 5 maximum security State prisons, staff searched the body cavities of all new or returning prisoners. Staff performed body cavity searches on suspected inmates in over half of State maximum security facilities.

State community-based facilities were less likely than State confinement facilities to search residents to interdict drugs. Staff in about 59% of State community-based facilities patted down all inmates. In 22% of community-based facilities, the staff required all inmates to change to facility clothing, and in 15%, searched body cavities of residents suspected of having drugs.

Table 5. Drug Interdiction activities for prison staff, by type of facility, June 1990

Interdiction activity	Federal confinement	State	
		Confinement	Community-based
No reported interdiction activity	17.5%	23.4%	42.0%
Verbal question	53.8	43.3	45.2
Patdown	21.3	49.3	24.4
Other*	35.0	25.0	11.6
Number of facilities	80	957	250

Note: Interdiction activities are overlapping categories.

*Includes such measures as drug testing, belongings search and visual inspection.

Table 6. Criteria for selection of staff for drug interdiction activities, by jurisdiction of facility, June 1990

Activity and who was chosen	Staff	
	Federal	State
Verbal questioning		
All staff	3.8%	8.8%
Random groups	5.0	18.6
Suspected staff	45.0	22.9
Patdown		
All staff	0	11.8
Random groups	2.5	22.6
Suspected staff	18.8	14.0
Number of facilities	80	1,207

Note: Criteria for selection of staff are arranged in overlapping categories.

Table 7. Criteria of selection of inmates for drug interdiction activities, by type and security level of facility, June 1990

Activity and who was chosen	Type and security level of facility						
	Federal			State			Community-based
	Maximum	Medium	Minimum	Maximum	Medium	Minimum	
Verbal questioning							
All inmates	63.6%	75.7%	93.8%	67.3%	63.4%	61.4%	67.2%
Random groups	18.2	13.5	15.6	18.4	21.9	29.6	38.0
Suspected inmates	0	13.5	12.5	39.9	35.5	28.0	28.8
Patdown							
All inmates	72.7	86.5	81.3	74.0	78.7	79.1	58.8
Random groups	18.2	24.3	37.5	19.3	20.2	31.5	51.6
Suspected inmates	9.1	18.9	18.8	38.6	22.7	23.9	30.0
Clothing exchange							
All inmates	100.0	81.1	78.1	63.2	62.3	46.5	21.6
Random groups	0	13.5	15.6	12.1	10.9	15.2	18.4
Suspected inmates	9.1	8.1	9.4	35.4	17.8	15.2	16.0
Body cavity search							
All inmates	54.5	51.4	37.5	18.8	23.5	16.3	4.4
Random groups	0	5.4	12.5	6.3	7.4	8.2	9.6
Suspected inmates	27.3	29.7	18.8	53.4	37.2	31.5	14.8
Number of facilities	11	37	32	223	366	368	250

Note: Criteria for selection of inmates are arranged in overlapping categories.

Testing urine for drug use

Most correctional facilities tested some inmates for illegal drug use

About 87% of all correctional facilities tested inmates for illegal drug use (table 8). All Federal prisons, 83% of State confinement facilities, and 98% of State community-based facilities reported testing inmates between July 1, 1989, and June 30, 1990.

Authorities in facilities which reported data (85% of all facilities) indicated that they collected 598,000 urine specimens from 468,500 inmates. When these figures are projected to all facilities, including those which did not respond to these questions, an estimated 565,500 inmates provided 721,800 specimens from July 1, 1989, through June 30, 1990. (See "Estimation procedure" in *Methodology*.)

State minimum and medium security and community-based facilities were more likely than maximum security institutions to test inmates. About 85% of the lower security facilities and 98% of community-based facilities tested inmates, compared to 76% of the maximum security prisons.

Criteria for conducting tests	Summary of selection criteria	Percent of facilities
Total		100.0%
Not done to any inmates	type 8	13.2%
Done to:		
All systematically and		
Random groups/suspected	type 1	14.0%
Random groups	type 2	1.2
Suspected	type 3	2.0
All only	type 4	2.8
Random groups and		
Suspected	type 5	42.1
Random only	type 6	5.4
Suspected only	type 7	17.7
Other only		1.6
Number of facilities		1,285

Most State facilities testing inmates for drugs performed the tests when the staff suspected particular inmates of drug use; 76% of the institutions reported checking inmates based on suspicion of use. Forty-two percent tested both suspected inmates and random groups, and an additional 14% tested all inmates as well (type 1). Relatively few facilities (20%) tested all inmates at least once during confinement (types 1-4).

Most large State confinement facilities tested for drugs

About 92% of State prisons with a population of 2,500 or more tested inmates, compared to around 83% of facilities with fewer than 1,000 inmates and 77% of facilities with a population between 1,000 and 2,499 (table 9). Over half of the largest facilities tested inmates on suspicion only. Over half of facilities with a population between 250 and 2,499 tested all inmates

Table 8. Criteria for drug tests, number of inmates tested, and number of specimens collected from July 1, 1989, to June 30, 1990, by type and security level of facility

Type and security level of facility	Number of facilities	Facility conducts urine tests on inmates					Drug testing between July 1, 1989, and June 30, 1990	
		Total	Systematically on everyone at least once during stay	Randomly on samples	On indication of possible drug use	Other criteria	Number of inmates tested	Number of specimens collected
All facilities	1,285	86.7%	20.0%	62.7%	75.8%	17.3%	468,348	597,867
Federal confinement	80	100.0	31.3	96.3	93.8	23.8	57,177	59,147
Maximum	11	100.0	9.1	100.0	90.9	18.2	10,368	11,668
Medium	37	100.0	21.6	100.0	94.6	21.6	31,781	32,326
Minimum	32	100.0	50.0	90.6	93.8	28.1	15,028	15,153
State								
Confinement	955	82.5	12.3	56.5	74.1	18.4	317,246	378,394
Maximum	223	75.8	9.9	50.2	69.5	20.2	99,184	129,667
Medium	365	84.1	10.7	60.8	76.7	16.7	148,678	169,752
Minimum	367	85.0	15.3	56.1	74.4	19.1	69,384	78,975
Community-based	250	98.4	46.0	75.6	76.4	10.8	93,925*	160,326*

Note: Detail add to more than totals because some facilities tested on more than one basis. Data on criteria for testing inmates excludes 2 State confinement facilities with no data on the basis for testing. Data for number of inmates tested and number of

specimens collected exclude 185 State confinement facilities and 13 Federal confinement facilities because they had no data on at least 1 of the 2 variables.

*The majority of data were estimated by respondents.

Table 9. Criteria for conducting tests for drug use in State facilities, by size of facility, June 1990

Size and type of facility	Number of facilities	Percent conducting urine tests based on			
		Total*	Combination of suspicion and either random or systematic	Random or systematic only	Suspicion only
Confinement					
1-249	386	83.2%	46.6%	11.9%	23.1%
250-499	150	85.3	57.3	4.0	21.3
500-999	226	83.2	58.8	2.7	19.5
1,000-2,499	167	76.7	53.3	4.2	19.2
2,500 or more	26	92.2	34.6	0	53.8
Community-based	250	98.4	70.0	20.4	6.4

*Includes "other" category not reported.

or random groups of inmates in addition to inmates suspected of drug use. About 70% of community-based facilities tested either all inmates or random groups and inmates suspected of using drugs.

Almost all work release facilities tested for drugs

About 92% of facilities that provided special work release or prerelease programs tested inmates for drugs (table 10). Ninety-three percent of facilities that handled separately offenders reincarcerated for violating some condition of their supervised release

Table 10. Facilities testing inmates or residents for drug use, by function of correctional facility, June 1990

Facility function	Number of facilities	Percent
General adult population confinement	1,048	85.2%
Boot camp	23	82.6
Reception/diagnosis and classification	147	87.8
Medical treatment/hospitalization confinement	86	88.4
Alcohol/drug treatment confinement	117	88.0
Youthful offenders	27	59.3
Work release/prerelease	411	92.2
Persons returned to custody from a supervised release	91	93.4
Other	140	92.9

Note: Facilities may be classified with more than one function.

also checked inmates for drugs. Over 90% of facilities that performed "other" functions, such as presentence, psychiatric or geriatric services also tested their residents. Nearly 60% of facilities for youthful offenders tested inmates.

For all inmates tested, State prisons reported higher positive rates than Federal prisons

Nationwide, 3.1% of the tests for cocaine in the 12 months before June 30, 1990,

were positive, as were 1.2% of the tests for heroin, 1.5% for methamphetamine, and 5.6% for marijuana. State facilities reported higher positive rates for drug tests than Federal facilities (table 11). In State institutions, 3.6% of tests for cocaine were positive, compared to 0.4% in Federal prisons. State facilities found 2% of the tests showing recent methamphetamine use and 6.3% showing marijuana use; Federal prisons found 0.1% and 1.1%, respectively.

Table 11. Number of facilities testing for specific drugs, number of tests given and percent positive, from July 1, 1989, to June 30, 1990

Type of drug	Tests		Facilities	
	Number given	Percent positive	Number testing	Percent positive
All facilities				
Amphetamine	256,946	.9%	513	32.6%
Barbiturates	225,855	.8	472	34.1
Cocaine	379,970	3.1	712	60.0
Heroin	283,281	1.2	454	38.3
LSD	137,362	.6	275	9.8
Marijuana/hashish	396,993	5.6%	764	79.7%
Methadone	150,725	.6	304	8.6
Methamphetamine	176,300	1.5	327	21.4
Unspecified drug	124,815	.7	235	24.3
Other	83,608	1.4	162	60.5
Federal facilities				
Amphetamine	51,874	.2%	55	30.9%
Barbiturates	51,274	.1	54	33.3
Cocaine	55,393	.4	59	59.3
Heroin	45,496	.4	51	31.4
LSD	40,297	.0*	45	4.4
Marijuana/hashish	53,809	1.1%	57	77.2%
Methadone	43,338	.0*	48	6.3
Methamphetamine	49,191	.1	54	24.1
Unspecified drug	39,225	.1	42	14.3
Other	12,840	.4	13	92.3
State facilities				
Amphetamine	205,072	1.1%	458	32.8%
Barbiturates	174,581	1.0	418	34.2
Cocaine	324,577	3.6	653	60.0
Heroin	237,785	1.3	403	39.2
LSD	97,065	.8	230	10.9
Marijuana/hashish	343,184	6.3%	707	79.9%
Methadone	107,387	.8	256	9.0
Methamphetamine	127,109	2.0	273	20.9
Unspecified drug	85,590	1.0	193	26.4
Other	70,768	1.6	149	57.7

Note: Data are for 61 Federal facilities and 776 State facilities with data on all variables.
*Less than 0.05%.

Interpreting measures of drug testing

Prevalence of drug use in prisons is difficult to estimate. Part of the difficulty occurs with record keeping and reporting. A drug test determines the presence of a specific drug at a specific level. A single urine sample can be used for a single drug test or for multiple tests for different drugs. Correctional authorities were asked to report the number of tests for each drug and the number of positive tests. However, some authorities may have reported the number of urine samples taken if their records included only those figures.

Other difficulties in estimating the amount of drug use in prison include the following:

- Prisons differ in the selection of whom to test. Most facilities do not choose inmates for testing using a sample with a known probability of selection: One cannot say

that the selected inmates represent all inmates in the institution.

- Prisons differ in what drugs they test for. Prison authorities may not suspect the use of a drug and not test for it, even though the drug is used in their facility. Other prisons may conduct repeated tests for a drug seldom used.

- A single urine specimen can have more than one positive drug test from an individual using multiple drugs. Describing positive rates by type of drug will overstate the number of inmates with at least one positive test.

- Prisons differ in how often they test inmates. Drug testing may be rare in some prisons and frequent in others.

- Urine tests only detect the presence of most drugs 48 to 72 hours after use, except for PCP and marijuana, which may be detected up to 30 days after use. This

varying span, when combined with lack of sampling with probability, distorts any estimation of overall drug use.

- Depending on various factors, the presence of methamphetamine may not be distinguished from amphetamine; therefore, the test results for these two drugs should be considered together.

- Prisons may differ in the types of tests used. Some types are more accurate than others, producing lower numbers of false positives and false negatives. Facilities may or may not perform confirmatory tests, and they were not asked to estimate the number of false positives and false negatives.

For the above reasons, drug test results in this report are not a measure of the extent of the problem in the various kinds of facilities. Positive results should be interpreted only as indicating the percentage positive for the specific tests given.

Section II IDENTIFICATION OF DRUG ABUSERS — Continued		Number screened Mark (X) if estimate (a)	Number found positive Mark (X) if estimate (b)
E. Of the inmates tested between July 1, 1989 and June 30, 1990, indicate the number of inmates/residents screened for each drug and the number found positive.	Type of drug		
	1. Amphetamines		
	2. Barbiturates		
	3. Cocaine		
	4. Heroin		
	5. LSD		
	6. Marijuana/hashish		
	7. Methadone		
	8. Methamphetamines		
	9. Unspecified drug		
10. Other — Specify			

G. Are urinalysis tests for drug use conducted on staff of this facility?					1 <input type="checkbox"/> Yes		2 <input type="checkbox"/> No — SKIP to section III	
H. Which of the following staff groups are eligible to be screened for drug use through urinalysis and on what basis?		Mark (X) all that apply						
		Systematically (a)	At random (b)	Suspicion of use (c)	Other (d)			
Type of employee								
1. All staff								
2. Staff above certain grade								
3. Staff below certain grade								
4. Correctional officers								
5. Administrative staff								
6. Clerical staff								
7. Treatment and educational staff								
8. Medical staff								
9. New hires/probationary status								
10. Other staff — Specify								
I. Between July 1, 1989 and June 30, 1990, how many staff were tested for drugs?					Number of employees Mark (X) if estimate			
J. Between July 1, 1989 and June 30, 1990, how many urine specimens were collected from staff?					Number of specimens Mark (X) if estimate			

Same percentage of State and Federal facilities reported positive drug tests

When facilities rather than individual drug tests are considered, Federal and State facilities were about equally likely to have found drug use in their institutions. Around 6 in 10 of both Federal and State facilities which tested for cocaine had at least one positive test. In over 2 in 10 facilities testing for methamphetamine, the use of the drug was discovered. Marijuana was detected in about 8 in 10 facilities testing.

Community-based facilities found higher rates of drug use than confinement facilities

Tests had positive outcomes for 8.9% of the cocaine tests and 8.1% of the marijuana tests administered by community-based facilities, compared to 1.4% of the cocaine tests and 5.8% of marijuana tests in confinement facilities (table 12). Methamphetamine, however, was found more often in confinement facilities (2.3% tested positive) than in community-based facilities (1.1% positive).

Among State confinement facilities, positive test results were highest in those testing on suspicion only

How inmates were selected for testing affected the rate of positive results. Those State confinement facilities testing only when drug use was suspected recorded higher rates of positive results than other facilities that tested randomly or comprehensively. When facilities tested only on suspicion of drug use, 6% of cocaine tests and 14% of marijuana tests were positive, compared to 1.5% or less for cocaine and 5% or less for marijuana when facilities tested everyone or at random.

The results for State community-based facilities were opposite those of confinement facilities. Testing on suspicion only produced a lower percentage of positive results than testing everyone or a random selection. In community-based facilities which tested on suspicion only, 4.8% were positive for cocaine and 6.4% for marijuana; in community-based facilities using other selection methods, around 9% of tests for cocaine and 8% for marijuana were positive.

The percentages of positive tests were higher in large facilities

Large prisons, whether Federal or State, had higher rates of positive drug tests. In Federal facilities with 1,000 or more inmates, 1.4% of the marijuana tests, 0.6% of the cocaine, and 0.6% of the heroin

tests were positive (table 13). In Federal facilities holding fewer than 500 inmates, the percentages were 0.5% for marijuana, 0.2% for cocaine, and none for heroin. Among State prisons, the largest facilities with 2,500 or more inmates had the highest percentages of positive tests for amphetamine, cocaine, and heroin. The facilities

Table 12. Number of drug tests given and percent positive from July 1, 1989, to June 30, 1990, by type of State facility and criteria for testing

Type of drug and facility	Number of tests given	Percent positive when facility tests inmates/residents based on			
		Total	Combination of suspicion and either random or systematic	Random or systematic only	Suspicion only
State confinement					
Amphetamine	136,121	1.1%	.6%	.4%	5.0%
Barbiturates	126,162	1.0	.6	.3	4.0
Cocaine	230,800	1.4	1.0	1.5	6.0
Heroin	172,284	1.0	.7	.5	3.7
LSD	71,064	1.0	.4	1.7	4.1
Marijuana/hashish	270,963	5.8%	5.1%	4.7%	14.3%
Methadone	76,807	1.1	.7	0	3.3
Methamphetamine	92,101	2.3	1.1	.0*	7.8
Unspecified drug	65,818	1.1	.5	.2	4.8
Other	52,559	1.8	1.2	0	13.8
State community-based					
Amphetamine	68,951	1.0%	.8%	1.4%	.2%
Barbiturates	48,419	.8	.6	1.3	.2
Cocaine	93,777	8.9	9.4	8.9	4.8
Heroin	65,501	2.2	2.4	2.0	0
LSD	26,001	.2	.3	.0*	0
Marijuana/hashish	72,221	8.1%	7.7%	8.6%	6.4%
Methadone	30,580	.2	.2	.0*	0
Methamphetamine	35,008	1.1	1.0	1.2	.2
Unspecified drug	19,772	.7	1.1	.0*	1.5
Other	18,209	.9	.9	.9	0

Note: Data are for 569 State confinement facilities and 207 State community-based facilities with data on all variables.
*Less than 0.05%.

Table 13. Positive drug tests from July 1, 1989, to June 30, 1990, by security level and size of confinement facilities

Security level and size of facility	Percent of positive tests				
	Amphetamine	Cocaine	Heroin	Marijuana	Methamphetamine
Federal					
Security level					
Maximum	.2%	.7%	1.4%	2.5%	.3%
Medium	.3	.4	.3	1.0	.2
Minimum	.0*	.3	.0*	.3	.0*
Average daily population					
1-499	.0*	.2	.0*	.5	.1
500-999	.1	.4	.3	1.0	.1
1,000-2,499	.4	.6	.6	1.4	.2
State					
Security level					
Maximum	1.6	1.0	.5	5.0	.6
Medium	1.2	1.7	1.4	6.8	4.2
Minimum	.5	1.4	.8	4.6	.5
Average daily population					
1-499	.6	1.4	1.0	6.1	2.4
500-999	.5	.9	.6	4.4	.1
1,000-2,499	.9	1.5	.6	6.9	4.7
2,500 or more	3.8	2.7	3.3	4.6	3.1

Note: Data are from 734 State confinement facilities and 62 Federal facilities with data on the number tested and number positive for a drug.
*Less than 0.05%.

holding 1,000 to 2,499 inmates had the highest rates for marijuana and methamphetamine. Among Federal prisons, the maximum security facilities had higher rates for positive drug tests than minimum security facilities. In maximum security prisons, 2.5% of the tests for marijuana, .7% of the tests for cocaine, and 1.4% of the tests for heroin were positive. In minimum security, 0.3% for marijuana, 0.3% for cocaine, and none for heroin were positive.

State medium security facilities generally had higher positive rates than maximum or minimum security prisons. For each drug in medium security facilities, the percentages positive were as follows: 6.8% for marijuana, 4.2% for methamphetamine, 1.7% for cocaine, and 1.4% for heroin. In maximum and minimum facilities, the equivalent findings were as follows: 5.0% or less for marijuana, 0.6% or less for methamphetamine, 1.4% or less for cocaine, and 0.8% or less for heroin.

Positive results from drug tests varied among facilities performing different functions

Facilities which confined inmates returned to custody for parole violations had relatively high percentages of positive drug tests (table 14). More than 9% of tests for marijuana were positive, as were 6.2% of tests for methamphetamine, 3.5% for cocaine, and 2.9% for heroin. Facilities holding inmates who participated in work release programs or who were preparing for discharge also had relatively high positive test rates: 7% for cocaine, 6.9% for marijuana, and 1.8% for heroin. Alcohol/drug treatment in facilities was associated with relatively high positive results on tests for cocaine and marijuana use — 3% for cocaine and 7.6% for marijuana.

Facilities handling youthful offenders generally had relatively low positive test results: 2.1% for marijuana and 1.5% for cocaine.

Positive drug tests were linked to interdiction activities

The State confinement facilities that questioned and frisked inmates but did not exchange clothes or search body cavities had higher rates of positive drug tests than facilities doing all these measures (table 15). The tests in the facilities using less stringent measures were 5.2% positive for cocaine, 13.5% for marijuana, and 16.2%

Table 14. Positive drug tests from July 1, 1989, to June 30, 1990, by function of facility

Facility function	Percent of positive tests				
	Amphetamine	Cocaine	Heroin	Marijuana	Methamphetamine
General adult population confinement	.7%	1.4%	.9%	5.1%	1.5%
Boot camp	.7	1.7	1.9	5.2	1.1
Reception/diagnosis and classification	1.4	1.1	1.6	4.2	.5
Medical treatment/hospitalization confinement	.4	2.0	.9	5.8	5.1
Alcohol/drug treatment confinement	1.8	3.0	1.6	7.6	1.2
Youthful offenders	.1	1.5	.5	2.1	0
Work release/prerelease	1.0	7.0	1.8	6.9	1.0
Returned to custody	2.7	3.5	2.9	9.1	6.2
Other	.6	4.3	.6	4.8	.3

Note: Data include 807 facilities with data on number of drug tests and number positive for each drug.

Table 15. Positive drug tests from July 1, 1989, to June 30, 1990, by drug interdiction activities of State confinement facilities

Interdiction activity and group targeted	Number of inmates tested	Percent of positive tests				
		Amphetamine	Cocaine	Heroin	Marijuana	Methamphetamine
Inmates						
All types	101,824	1.4%	1.2%	.6%	4.6%	.6%
Body cavity search and clothing exchange	17,444	.5	1.2	.1	2.6	0
Body cavity search	41,497	.3	.5	.8	5.1	.1
Clothing exchange	88,430	.9	1.5	1.4	6.3	.7
Verbal questioning and patdown	23,321	3.6	5.2	4.0	13.5	16.2
Patdown	17,111	.0*	.5	.2	3.9	.1
Verbal questioning	2,377	.1	1.1	.4	4.8	.2
Other	3,114	.2	1.1	1.0	2.7	0
No reported interdiction activity	254	8.3	40.2	0	28.4	0
Visitors						
All types	55,414	1.8%	.8%	.7%	3.8%	.5%
Body cavity and belongings searches	23,835	6.0	2.6	2.9	4.4	12.0
Body cavity search	4,067	.0*	.2	.1	2.1	0
Belongings search	193,121	.7	1.6	1.0	6.7	2.8
Verbal questioning and patdown	2,893	0	1.6	.2	6.0	0
Patdown	4,899	.2	.4	.2	9.9	0
Verbal questioning	8,757	.1	.8	.1	2.2	.1
Other	1,541	0	0	0	8.6	0
No reported interdiction activity	1,345	.4	7.4	0	8.3	0
Staff						
All types	26,002	3.3%	1.0%	.9%	5.4%	.9%
Verbal questioning and patdown	60,065	1.0	1.2	.6	5.5	.6
Questioning	42,529	.4	.5	1.1	5.3	6.6
Patdown	62,209	.3	1.2	.6	6.6	.0*
Other	60,704	.6	2.1	1.3	5.3	4.9
No reported interdiction activity	44,363	3.1	2.6	2.2	6.5	6.6

Note: Interdiction activities are mutually exclusive categories. "All types" for inmates and visitors includes body cavity search, clothing exchange or belongings search, patdown, and verbal questioning and may include other interdictions. For staff, "all types" includes verbal questioning, patdown and other interdiction. "Body cavity search and clothing exchange" and "body cavity and belongings searches"

include both and may include patdown, verbal questioning, and/or other. "Body cavity search," "clothing exchange," and "belongings search" may include patdown, verbal questioning, and/or other. "Verbal questioning and patdown," "patdown," and "verbal questioning" may include other. "Other" does not include any other type of interdiction. *Less than 0.05%.

for methamphetamine. Tests in facilities performing all types of specific drug interdiction activities were 1.2% positive for cocaine, 4.6% for marijuana, and 0.6% for methamphetamine. Facilities which

performed all types of interdiction activities had higher positive drug test rates than facilities which did body cavity searches and/or clothing exchanges. The facilities doing all types of interdiction may have

adopted more measures as a reaction to relatively high test rates. The reported rates were from results over the 12 months before the census, while the interdiction measures were those in place on June 29, 1990.

Facilities that did not question, frisk, or search visitors had the following positive test results: 8.3% for marijuana and 7.4% for cocaine. Facilities that inspected visitors' belongings and searched body cavities when indicated, but did not both question and pat down visitors, had the following positive test percentages: 2.9% for heroin, 2.6% for cocaine, and 12% for methamphetamine.

Facilities that reported not making special efforts to interdict the supply of drugs from the staff had 2.6% positive tests for cocaine, 2.2% for heroin, and 6.6% for methamphetamine. Facilities which questioned staff, patted them down, and took other actions such as drug testing, when needed, had 1% positive tests for cocaine and 0.9% for heroin and methamphetamine.

Drug testing of staff was highest in Federal facilities

While 83% of Federal facilities reported they tested their staff for drugs, 42% of State confinement facilities and 32% of community-based facilities checked their employees (table 16). About 55% of Federal confinement facilities tested all staff as did 30% of State confinement facilities and 19% of community-based facilities.

Seventy-six percent of Federal facilities and about 23% of State facilities tested new employees, the primary staff category tested.

	Federal confinement	State Confinement	Community-based
Percent of staff tested	15.2%	3.5%	9.6%
Number of urine specimens tested	3,019	8,025	531
Number of facilities reporting	70	892	245
Total number of staff	16,621	220,884	5,265

A higher percentage of Federal than State facility staff were tested for drugs. Fifteen percent of Federal facility staff were tested compared to 4% of those working in State

confinement facilities and 10% in community-based facilities.

A positive test was grounds for dismissal in over a third of facilities that tested staff for drugs

In over a third of facilities, policies required that staff testing positive for drugs be dismissed. In over a seventh, affected staff were suspended (table 17). Sixty percent of State confinement facilities and 44% of community-based facilities referred positive drug detection cases to internal affairs.

Sixty percent of Federal facilities referred the case to a departmentally-operated program — generally an employee assistance counselor who could refer the employee for outside treatment.

Federal facilities were more likely than State facilities to keep their staff and continue to check them for drugs or to reassign them. Twenty-four percent of Federal facilities continued monitoring staff with drug tests, compared to 10% of State confinement facilities and 12% of community-based facilities.

Table 16. Staff tested for drug use, by jurisdiction and type of facility, 1990

Staff groups	Federal confinement	State Confinement	Community-based
Total	100.0%	100.0%	100.0%
None	17.5%	57.7%	67.6%
All staff and new hires	51.3%	13.2%	9.2%
All staff but not new hires	3.8	16.8	10.0
Tested some groups:*	27.5%	12.3%	13.2%
New hires	25.0	10.2	12.8
Staff above certain grade	21.3	.2	0
Correctional officers	1.3	3.0	.8
Administrative staff	5.0	.7	.4
Clerical staff	1.3	.3	0
Treatment and educational staff	1.3	.4	.4
Medical staff	1.3	.4	0
Other staff	2.5	.4	0
Number of facilities	80	957	250
Total number of staff	16,621	220,884	5,265
Number of staff tested	2,525	7,732	507
Number of urine specimens tested	3,019	8,025	531

Note: The variables, total number of staff, number of staff tested and number of urine specimens tested exclude 10 federal facilities, 65 State confinement facilities and 5 State community-based facilities with

no data on the number of staff tested and number of urine specimens tested.
* Detail adds to more than total because some facilities tested more than one group of staff.

Table 17. Outcome of first positive drug test of a staff member, by type of facility, 1990

Procedures upon first positive detection of staff's drug use	Percent of facilities testing staff		
	Federal confinement	State Confinement	Community-based
Dismissal	36.4%	35.3%	40.7%
Suspension	16.7	15.8	12.3
Continued employment			
With urine surveillance	24.2	10.1	12.3
In another position	9.1	2.7	2.5
Referral			
To internal affairs	42.4	60.0	44.4
To departmentally operated program	59.1	21.0	23.5
To other treatment service	42.4	29.1	16.0
Other	9.1	7.9	6.2
Number of facilities reporting data	66	405	81

Drug treatment/intervention on June 29, 1990

Among the 1,287 State and Federal facilities, 1,024 reported their own estimates of total capacity and enrollment in programs they considered to be for drug treatment. Facility capacities and enrollments for drug treatment were —

	Number of facilities	Capacity	Enrollment
Federal	61	6,096	3,754
State			
Confinement	741	83,084	64,723
Community-based	222	7,816	5,187

Among those Federal facilities that reported, administrators indicated that on a single

day the facilities could treat about 6,100 inmates and had an enrollment of about 3,800. For reporting State facilities, both confinement and community-based, the estimated capacity was 90,900 and enrollment was 69,900.

Prisons could treat an estimated 131,900 inmates for drug addiction

If the reported capacity is projected to all prisons, Federal confinement facilities could treat an estimated 7,800 inmates; State confinement facilities, 114,000; and State community-based facilities, 9,400. (See "Estimation procedure" in *Methodology*.)

Type of facility	Estimated total treatment capacity ²
Total	131,900
Federal	7,800
State	
Confinement	113,900
Community-based	9,400

Federal confinement facilities had the capacity to treat for drug abuse 14% of the inmate population; State confinement facilities, 18%; and community-based facilities, 55%.

Prisons were treating approximately 100,200 inmates

If the reported enrollment figures are projected to cover all facilities, the Federal prison system was treating an estimated 4,800 inmates; the State prisons; an estimated 88,700; and community-based facilities, an estimated 6,200. (See "Estimation procedure" in *Methodology*.)

Type of facility	Estimated total drug treatment enrollment ²
Total	100,200
Federal	4,800
State	
Confinement	88,700
Community-based	6,200

²Treatment capacity and enrollment were estimated from the 77.7% of Federal facilities that reported, 72.9% of State confinement facilities, and 83.3% of State community-based facilities.

Table 18. Capacity and enrollment in drug treatment or intervention programs, by jurisdiction and type of facility, June 29, 1990

Type of intervention/program	Federal		State confinement		State community-based	
	Capacity	Enrollment	Capacity	Enrollment	Capacity	Enrollment
Special residential unit within facility	525	356	9,338	7,432	166	15
Counseling	6,354	2,522	57,470	42,593	6,782	4,584
Education/awareness	9,554	5,634	46,114	32,427	5,839	3,512
Urine surveillance	14,500	10,770	48,375	37,646	8,120	6,349
Detoxification	152	21	5,197	2,864	250	109
Other	415	320	2,991	2,801	106	95
Number of facilities reporting	61		741		222	

Note: The questionnaire asked for maximum capacity possible for each intervention/program, sometimes resulting in the same place being counted more than once.

Section III INMATE/RESIDENT TREATMENT PROGRAMS AND CAPACITIES

A. Please estimate the capacity of existing programs in your facility to provide drug treatment. Capacity is defined as the maximum number of individuals who could be enrolled as active program recipients as of June 29, 1990 given the staffing, funding, and physical space available for the programs at that time. Also enter the number of inmates/residents participating in each program on June 29, 1990. — Note that inmates/residents may be participating in multiple programs.

Type of program

1. Detoxification
2. Drug maintenance
3. Counseling
4. Education/awareness
5. Urine surveillance
6. Special residential unit within facility
7. Other programs — Specify

Estimated
capacity
(a)

Number of inmates/
residents participating
(b)

B. Enter the total drug treatment capacity for inmates/residents at this facility on June 29, 1990.

Total capacity

C. Enter the total number of inmates/residents enrolled in drug treatment programs at this facility on June 29, 1990.

Total enrollment

D. How many inmates/residents assigned to your facility were receiving drug treatment services OUTSIDE your facility as of June 29, 1990?

Number of inmates/
residents

Inmate/resident drug treatment programs and capacities

Facilities provided estimates of the number of inmates/residents who could be treated in each of their drug treatment and intervention programs and estimates of the enrollment in each program. Facilities also estimated their total capacity for drug treatment and their total enrollment.

These totals were generally lower than the sum of all the separately listed programs and interventions, possibly for the following reasons:

- some programs listed were not considered true drug "treatment" programs;
- an individual program might have several of the components listed on the addendum — for example, counseling, education, and

urine surveillance — and hence be counted several times in the specific listings;

- inmates could be participating in more than one program; and
- facilities could have some treatment slots which could be allocated to more than one program and therefore were counted more than once.

Enrollment in drug treatment was below capacity

Federal inmates were using 62% of the drug treatment capacity on June 29, 1990. State prisoners were using 66% of the capacity in community-based facilities and 78% in confinement facilities.

<u>Jurisdiction and type of facility</u>	<u>Percent of total capacity used</u>
Federal confinement	61.6%
State confinement	77.9%
State community-based	66.4%

Many factors play a role in these utilization figures. Inmates may refuse to participate or may have already completed the program. Inmates may not qualify — too new to the institution, not near enough to the end of their sentence, rule breakers, under administrative segregation, or in the wrong custody level. Facilities also may keep some slots open to gain flexibility to deal with unexpected situations.

Prisons offered a variety of programs

Prisons may offer many types of drug intervention or treatment: detoxification, counseling, education and/or awareness programs, urine surveillance, and treatment in special residential units within the facility. Federal facilities said they could test 33% of inmates for drugs, State confinement facilities 10%, and community-based facilities 57%. Counseling was available for 14% of inmates in Federal facilities, 12% in State confinement facilities, and 48% in community-based facilities. Residential treatment program capacity was from 1% to 2% of inmate population for all types of institutions.

Of all Federal inmates, 9% were enrolled in some form of drug treatment on June 29, 1990. Among State prisoners, 14% in confinement facilities and 37% in community-based facilities were enrolled. The two most common types of programs for both Federal and State correctional facilities were education and counseling.

Drug education programs enrolled 13% of Federal prisoners, 7% of State confinement inmates, and 25% of residents in community-based facilities. Six percent of those in Federal facilities were being counseled, as were 9% of State confinement facility inmates and 32% of those in community-based facilities.

Methodology

The 1990 Census of State and Federal Adult Correctional Facilities was the fourth enumeration of State institutions and the first of Federal institutions sponsored by the Bureau of Justice Statistics and conducted by the Bureau of the Census. Earlier censuses were completed in 1974, 1979, and 1984.

Census universe

The facility universe was developed from the Census of State Adult Correctional Facilities conducted in 1984. This list was revised using the 1990 *American Correctional Association Directory* and information obtained from State correctional administrators and the Federal Bureau of Prisons.

The census included: prisons; prison farms; reception, diagnostic and classification centers; road camps; forestry and conservation camps; youthful offender facilities (except in California); vocational training facilities; correctional drug and alcohol treatment facilities; and State-operated local detention facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.

Facilities were included in the census if they:

- were staffed with State or Federal employees
- housed primarily State or Federal prisoners
- were physically, functionally, and administratively separate from other facilities
- were operational on the reference date, June 29, 1990.

The census also included, for the first time, 67 private facilities that were under exclusive contract by State governments to house prisoners.

Specifically excluded were —

- privately operated facilities that were not exclusively for State or Federal inmates
- military facilities
- Immigration and Naturalization Service facilities

- facilities operated and administered by local governments, including those housing State prisoners
- facilities operated by the U.S. Marshals Service
- hospital wings and wards reserved for State prisoners.

Questionnaire administration

Questionnaires were mailed to facility respondents at the end of June 1990. Second and third request forms and telephone followups went out in the fall, resulting in a final response rate of 100%.

Definitions of community-based and confinement facilities

Correctional facilities were classified as community-based if 50% or more of the residents were regularly permitted to leave the facility unaccompanied for work or study. These facilities included halfway houses, restitution centers, and pre-release, work release, and study release centers. Correctional facilities in which less than 50% of the inmates regularly left the facility unaccompanied were classified as confinement institutions.

Drug addendum

An addendum on drug control activities in State and Federal facilities was included for the first time in the 1990 census. Facilities were asked to provide information on the following:

- activities they used with inmates, visitors, and staff to keep out illegal drugs and drug paraphernalia
- inmate drug testing practices, including the criteria for testing inmates, the number of inmates tested in total and by specific drug, and the number positive
- staff drug testing, including groups and basis for testing, number tested, and procedures when tests were positive
- capacity and enrollment in various types of drug treatment and intervention programs.

Estimation procedures

When all prisons in the Census did not provide data on particular variables, estimated figures were used where

indicated. Total figures were estimated by multiplying the total relevant population by the ratio of the known or reported numbers being analyzed in the subset to the subpopulation. All figures were estimated independently and total estimates were therefore larger than the sum of all subgroup estimates. The total population figure used in the projections varied, depending upon which figure was most appropriate. The two available population figures are the average daily population and the prison count on the reference day for the census, June 29, 1990. For drug testing, table 8, the basis for estimation was the average daily population, and for drug treatment capacity and enrollment, the basis was the 1-day count.

Because the census was a complete enumeration, the results were not subject to sampling error.

Public use data tapes for each Census of Adult Correctional Facilities in the series, conducted in 1974, 1979, 1984, and 1990 are available from the Criminal Justice Archive and Information Network, P.O. Box 1248, Ann Arbor, MI 48106. 1-800-999-0960.

Caroline Wolf Harlow wrote this report under the supervision of Allen J. Beck. Corrections statistics are prepared under the general direction of Lawrence A. Greenfeld. Tom Hester edited this report, and James Stephan, Danielle Morton, and Dorothea Proctor provided statistical review. Marilyn Marbrook administered production, assisted by Betty Sherman and Jayne Pugh.

July 1992, NCJ-134724

The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS
To: AG. (THRU OJP/GURULE) ODD: NONE
Date Received: 07-08-92 Date Due: NONE Control #: X92070810258
Subject & Date
07-07-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE, ENTITLED "ONE IN FOUR HOUSEHOLDS EXPERIENCED
CRIME LAST YEAR," SCHEDULED FOR RELEASE ON JULY 8, 1992.
ADVISES THAT A COPY OF THIS RELEASE HAS BEEN TRANSMITTED
TO PAO FOR REVIEW, AND A COPY HAS ALSO BEEN PROVIDED TO OLS.

Referred To:	Date:	Referred To:	Date:	
(1) OAG;	07-08-92	(5)		W/IN:
(2)		(6)		
(3)		(7)		PRTY:
(4)		(8)		1
INTERIM BY:		DATE:		OPR:
Sig. For: NONE		Date Released:		MAU

Remarks
CC INDICATED FOR OLS (SCOTT).
INFO CC: DAG, OPC.
(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:
KMM FYI 7/8/92
FILE: PRESS RELEASES/NON-PAO
CROSS REFERENCES:
1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

JUL 7 1992

MEMORANDUM TO: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release -
One in four households experienced crime in 1991

RECEIVED
DEPARTMENT OF JUSTICE
JUL -8 19:14
EXECUTIVE SECRETARIAT
100

Attached for your information is a Bureau of Justice Statistics (BJS) news release scheduled for July 8. Announcing the publication of an annual BJS Bulletin, the release indicates that almost one in every four of the nation's households experienced or had a member who experienced a rape, robbery, assault, theft, burglary or motor vehicle theft in 1991. The proportion of households victimized by crime was unchanged from 1990.

Since 1975, when results from the National Crime Victimization Survey were first used to estimate crime among households, the percentage of households sustaining a crime has fallen from about 32 percent to just under 24 percent. When 1975 is compared to 1991, the percentage of households with at least one member falling victim to a violent crime has dropped from 5.8 percent of all U.S. households to 4.9 percent. In 1975, 7.7 percent of all households experienced a burglary; in 1991, the percentage had fallen to 4.7 percent, one of the lowest estimates over the 17-year period.

Households sharing certain characteristics experienced higher rates of criminal victimization than did other types of households. Similarly, while households across the nation experienced an overall decline in the percentage that sustained a crime each year from 1975 to 1991, the magnitude of the decline differed according to household characteristics, such as the race of the head of the household.

About the same percentage of white households experienced a crime each year from 1985 to 1989, but that percentage fell to 23 percent in 1990 and 1991. By contrast, from 1985 through 1988, black households experienced an increasing level of victimization, and the 27 percent of black households victimized by a

crime in 1991 was relatively unchanged from the levels of 1989 and 1990.

The National Crime Victimization Survey, the Nation's second largest ongoing household survey, conducts interviews in nearly 50,000 U.S. households twice a year, gathering information on any criminal victimizations experienced by household members who are 12 years old or older. The survey counts crimes which victims indicate were not reported to law enforcement agencies as well as those that were reported.

A household refers both to a dwelling unit and the individuals who live in that unit. Certain categories of offenses, such as burglary, are not crimes committed against an individual but are experienced by an entire household. Personal crimes, such as rape, robbery, assault, and personal theft are experienced by individuals within the household.

The percentage of households affected by crime is composed of those households which experienced thefts, burglaries, or motor vehicle thefts and those households in which one or more members experienced a personal crime during the reference year. The household measure assists in estimating the prevalence and dispersion of criminal victimizations each year and the extent to which households with different characteristics are affected by crime.

In 1991, 22.9 million households, out of a total 96.6 million, sustained at least one crime victimization. Members in 7 million households fell victim to a rape, robbery, or assault by a stranger, or were burglarized one or more times. Last year about 1 in 14 households in the United States sustained one of the above violent crimes or a burglary. That ratio was unchanged from 1990. For the crimes of rape, robbery, assault by a stranger, and burglary, a higher percentage of black households (9.5 percent) than white households (6.9 percent) experienced victimization. Hispanic households (10.9 percent) were more likely than non-Hispanic households (6.9 percent) to have been victimized by these crimes.

In 1991, as in previous years, households in the central cities (29.1 percent) were more likely than those in the suburbs (22.8 percent) or rural (17.4 percent) areas to fall victim to a crime reported to the Survey.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review. A separate copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: Rider Scott, Acting Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
WEDNESDAY, JULY 8, 1992

BJS
202-307-0784

ONE IN FOUR HOUSEHOLDS EXPERIENCED CRIME LAST YEAR

WASHINGTON, D.C.--Almost one in every four of the nation's households experienced or had a member who experienced a rape, robbery, assault, theft, burglary or motor vehicle theft in 1991, according to a Bureau of Justice Statistics study released today. The Bureau, a U.S. Department of Justice agency in the Office of Justice Programs, reported that the proportion of households victimized by crime was unchanged from 1990.

"Since 1975, when results from the National Crime Victimization Survey were first used to estimate crime among households, the percentage of households sustaining a crime has fallen from about 32 percent to just under 24 percent," said Bureau Director Steven D. Dillingham. "From 1975 through 1991 the percentage of households with at least one member becoming a violent crime victim has dropped from 5.8 percent of all U.S. households to 4.9 percent. During 1975, 7.7 percent of all households experienced a burglary, whereas in 1991 the percentage had fallen to 4.7 percent, one of the lowest estimates in the

-MORE-

Households sharing certain characteristics experienced higher rates of criminal victimization than did other types of households. Similarly, while households across the nation experienced an overall decline in the percentage that sustained a crime each year from 1975 to 1991, the magnitude of the decline differed according to household characteristics, such as the race of the head of the household.

About the same percentage of white households experienced a crime each year from 1985 to 1989, but that percentage fell to 23 percent in 1990 and 1991. By contrast, from 1985 to 1989, black households experienced an increasing level of victimization, and the 27 percent of black households victimized by a crime in 1991 was relatively unchanged from the levels of 1989 and 1990.

The National Crime Victimization Survey, the nation's second largest on-going household survey, conducts interviews in almost 50,000 U.S. households twice a year, gathering information on any criminal victimizations experienced by household members who are 12 years old or older. The survey counts both crimes that victims say were reported to law enforcement agencies as well as those that were not reported.

A household refers both to a dwelling unit and the individuals who live in that unit. Certain categories of offenses, such as burglary, are not crimes committed against an

-MORE-

individual but are experienced by an entire household. Personal crimes, such as rape, robbery, assault, and personal theft are experienced by individuals within the household.

The percentage of households affected by crime is composed of those households which experienced thefts, burglaries or motor vehicle thefts and those households in which one or more members experienced a personal crime during the year. The household measure assists in estimating the prevalence and dispersion of criminal victimizations each year and the extent to which households with different characteristics are affected by crime.

During 1991, 22.9 million households among the 96.6 million in the nation sustained at least one crime victimization. An estimated 7 million households had one or more members who fell victim to a rape, robbery, or assault by a stranger, or the household was burglarized one or more times. Last year about one in 14 households in the United States sustained one of the above violent crimes or a burglary. That ratio was unchanged from 1990.

For the crimes of rape, robbery, assault by a stranger, and burglary, a higher percentage of black households (9.5 percent) than white households (6.9 percent) experienced victimization. Hispanic households (10.9 percent) were more likely than non-Hispanic households (6.9 percent) to have been victimized by these crimes.

-MORE-

In 1991, as in previous years, households in central cities were more likely than those in suburbs or rural areas to fall victim to a crime reported to the survey--29.1 percent of urban households compared to 22.8 of those in suburbs and 17.4 percent of those outside metropolitan areas. The percentage of households victimized was lowest in the Northeast (19.3 percent) and highest in the West (28.8 percent).

Susceptibility to crime also was found to be related to household income. Generally, as household income increased, so did the household's susceptibility to personal theft. For example, 14 percent of the households with income of \$50,000 or more experienced a personal theft sometime during the year, compared to less than 8 percent of households having an annual income below \$7,500. Lower income households, however, experienced higher levels of violent crime--6.3 percent of households with incomes under \$7,500, compared to 3.9 percent of households earning \$50,000 or more.

Single copies of the special report, "Crime and the Nation's Households, 1991" (NCJ-136950) may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs & Crime Data Center & Clearinghouse on 1-800-666-3332.

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After hours contact: Stu Smith 301-983-9354

DRAFT

Bureau of Justice Statistics Bulletin

Crime and the Nation's Households, 1991

By Lisa D. Bastian
BJS Statistician

Nearly 23 million American households, or 24%, were victimized by crime in 1991, the same proportion as in 1990. This percentage continues to be the lowest recorded since 1975, the first year that the National Crime Victimization Survey (NCVS) produced this estimate. From 1985 through 1989 the proportion of households victimized had remained fairly constant, at about 25%.

Additional findings for 1991

The following was also found in 1991:

- Five percent of U.S. households had at least one member age 12 or older who was the victim of a violent crime.
- Black households were more likely to experience a crime than were white households.
- Thirty percent of Hispanic households, but only twenty-three percent of non-Hispanic households, sustained at least one crime last year.
- The likelihood of a personal theft victimization increased as household income increased. The percentage of households in the lowest income bracket victimized by personal theft was 7.9%; in the highest bracket, 14.3%.
- Households in urban areas were most likely, and households in rural areas were least likely, to sustain a crime in 1991.

Households experiencing selected crimes of violence and theft, 1975-91

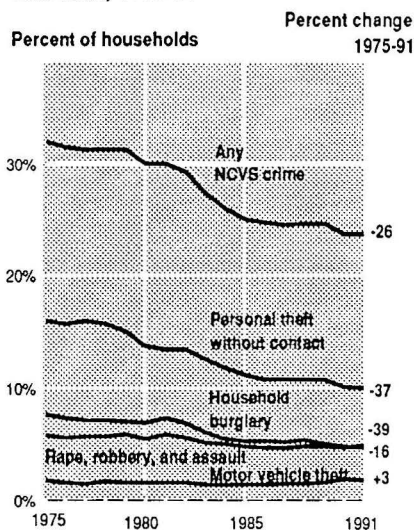


Figure 1

July 1992

For the second year in a row, the proportion of U.S. households-victimized-by-crime reached a low of 24%, or nearly 23 million households. The Bureau of Justice Statistics has been reporting this estimate since 1975, when 32% of all households had experienced one or more crimes.

Drawing on data from the National Crime Victimization Survey (NCVS), this households-victimized-by-crime indicator measures the dispersion of crime in our Nation. It also allows for comparisons of the proportions of households victimized among various demographic groups, household income levels, and geographic regions.

Steven D. Dillingham, Ph.D.
Director

Comparison of findings from the National Crime Victimization Survey and the Uniform Crime Reports

The U.S. Department of Justice administers two programs to measure the magnitude, nature, and impact of crime in the United States: the National Crime Victimization Survey (NCVS), the source of this report, and the Uniform Crime Reporting Program (UCR).

Because of differences in methodology and crime coverage, the two programs

examine the Nation's crime problem from somewhat different perspectives, and their results are not strictly comparable. The definitional and procedural differences can account for many of the apparent discrepancies in estimates from the two programs. The Department of Justice fact sheet *The Nation's Two Crime Measures* (NCJ-122705) contains a detailed description of the NCVS and UCR.

The National Crime Victimization Survey

The NCVS is an ongoing survey of victims of crime, which was first administered in 1972. The NCVS measures the personal crimes of rape, robbery, assault, and theft, as well as the household crimes of burglary, larceny, and motor vehicle theft. Since it is a survey of victims, the NCVS may obtain data on crimes report-

ed to the police as well as those that were not reported but does not obtain information on homicides. Commercial crimes are also excluded from the survey. Over the past 16 years this indicator, which reports the proportion of households that experienced an attempted or completed crime, has been calculated to estimate the dispersion of crime (see *Methodology* on page 6 for further discussion of the indicator and of the NCVS).

A household refers both to a dwelling unit, like a house or apartment, and to the people who live in it. A household was counted as having experienced a crime during the year if it met one of these criteria:

- It fell victim to a burglary, auto theft, or household theft.
- A household member age 12 or older was raped, robbed, or assaulted.
- A household member age 12 or older experienced a personal theft.

Trends

Since the inception of the households-victimization-by-crime indicator in 1975, the proportion of U.S. households experiencing a crime of any type has never shown a significant year-to-year increase (table 2, figure 1). The proportion of households victimized declined by 22% between 1975 and 1985, with 32% of all households reporting at least one victimization in 1975 compared to 25% in 1985 (table 2). After a period of stability between 1985 and 1989, the proportion of households touched by crime decreased to 24% in 1990 and remained at this level through 1991.

Certain demographic groups have experienced trends that differed from this national trend: the percentage of urban households sustaining a crime rose to 31% between 1986 and 1989. Rural households experienced a decline in victimizations from 20% to 17% over this

Table 1. Households experiencing crime in 1991, and relative percent change since 1990

Households	1990		1991		Relative percent change, 1990-91
	Number of households	Percent	Number of households	Percent	
Total	95,461,000	100.0%	96,561,000	100.0%	
Victimized by:					
Any NCVS crime	22,652,000	23.7%	22,855,000	23.7%	-.3%
Violent crime	4,478,000	4.7	4,711,000	4.9	4.0
Rape	104,000	.1	161,000	.2	53.2 ^b
Robbery	967,000	1.0	951,000	1.0	-2.9
Assault	3,591,000	3.8	3,852,000	4.0	6.1
Aggravated	1,287,000	1.3	1,367,000	1.4	5.0
Simple	2,527,000	2.6	2,752,000	2.9	7.7
Total theft	15,905,000	16.7%	16,069,000	16.6%	-.1%
Personal	10,042,000	10.5	10,029,000	10.4	-1.3
With contact	548,000	.6	463,000	.5	-16.6
Without contact	9,592,000	10.0	9,655,000	10.0	-.5
Household	7,199,000	7.5	7,421,000	7.7	1.9
Burglary	4,557,000	4.8	4,554,000	4.7	-1.2
Motor vehicle theft	1,825,000	1.9	1,755,000	1.8	-5.0
Crimes of high concern (a rape, robbery, or assault by a stranger or a burglary)	6,854,000	7.2%	6,964,000	7.2%	.4%

Note: Detail does not add to total or crime subtotals because of overlap in households experiencing various crimes. Relative percent change is based on unrounded figures.

^aChange was statistically significant at the 95% confidence level.

^bChange was statistically significant at the 90% confidence level.

Table 2. Percent of households experiencing crime, by type of crime, 1975-91

Type of crime	Percent of households experiencing crime																
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989*	1990	1991
Any NCVS crime	32.1%	31.5%	31.3%	31.3%	31.3%	30.0%	30.0%	29.3%	27.4%	26.0%	25.0%	24.7%	24.5%	24.6%	24.6%	23.7%	23.7%
Violent crime	5.8	5.6	5.7	5.7	5.9	5.5	5.9	5.6	5.1	5.0	4.8	4.7	4.6	4.8	4.8	4.7	4.9
Rape	.2	.2	.2	.2	.2	.2	.2	.2	.1	.2	.1	.1	.1	.2	.1	.1	.2
Robbery	1.4	1.2	1.2	1.1	1.2	1.2	1.3	1.4	1.1	1.0	.9	.9	.1	.9	1.0	1.0	1.0
Assault	4.5	4.4	4.7	4.6	4.8	4.4	4.7	4.5	4.2	4.1	4.0	3.8	3.8	4.0	3.9	3.8	4.0
Personal theft	16.4	16.2	16.3	16.2	15.4	14.2	13.9	13.9	13.0	12.3	11.5	11.2	11.1	11.2	11.2	10.5	10.4
Household theft	10.2	10.3	10.2	9.9	10.8	10.4	10.2	9.6	8.9	8.5	8.1	8.0	8.0	7.7	8.0	7.5	7.7
Burglary	7.7	7.4	7.2	7.2	7.1	7.0	7.4	6.9	6.1	5.5	5.3	5.3	5.2	5.4	5.0	4.8	4.7
Motor vehicle theft	1.8	1.6	1.5	1.7	1.6	1.6	1.6	1.6	1.4	1.4	1.4	1.4	1.5	1.5	1.6	1.9	1.8
Households touched by crime (in millions)	23.377	23.540	23.741	24.277	24.730	24.222	24.863	24.989	23.621	22.806	22.191	22.201	22.404	22.844	23.221	22.652	22.855
Households in U.S. (in millions)	73.123	74.528	75.904	77.578	78.964	80.622	82.797	85.178	86.146	87.791	88.852	90.014	91.391	92.892	94.553	95.461	96.561

*Estimates for 1989 differ from those published in *Crime and the Nation's Households, 1989*. See *Methodology*.

same period and remained at this level through 1991. After four years of stability between 1985 and 1989, the percentage of white households victimized decreased to 23% in 1990.¹ Black households, however, experienced an increasing level of victimization during this period. The proportion of black households touched by crime has not changed significantly since 1989.

The proportions of black and white households experiencing crime in 1991 were well below the proportions for 1975. However, the decrease for black households over this period was smaller relative to white households. Between 1975 and 1991 the proportion of white households victimized declined by 27%; for black households the decline was only 19%.

1990-91 comparisons

The percentage of households touched by a crime of any type did not vary significantly between 1990 and 1991. Specifically, for the violent crimes of rape, robbery, and assault, there was evidence of an increase only in the proportion of households with at least one member who had been the victim of a rape. All

other crime categories remained unchanged between 1990 and 1991.

Among most demographic groups examined, the overall households-victimized-by-crime indicator changed little between 1990 and 1991. Households earning \$50,000 or more were somewhat less likely to be victimized by crime in 1991. This can be attributed to a slight decrease last year in the proportion of these households that sustained a burglary. There was slightly more variation within specific crime categories:

The percentage of white households with a member who had suffered a rape increased somewhat in 1991, while the comparable proportion for black households and "other race" households—those with members of Asian or Native American descent—remained unchanged.

There was some evidence that Hispanic households were less likely to experience a motor vehicle theft in 1991 than in 1990.

The proportion of households in the highest income category (\$50,000 or more) that were burglarized declined somewhat in 1991.

¹In the NCVS the race of the household is considered to be that of the household head.

Table 3. Percent of households experiencing crime, by race and ethnicity of household head, 1991

Percent of households experiencing:	Race of household head			Ethnicity of household head	
	White	Black	Other	Non-Hispanic	Hispanic
Any NCVS crime	23.2%	26.7%	24.3%	23.2%	30.4%
Violent crime	4.7%	5.7%	5.3%	4.8%	6.1%
Rape	.2	.2	.2	.2	.2
Robbery	.8	2.1	1.5	.9	2.0
Assault	4.0	3.8	3.7	4.0	4.3
Aggravated	1.4	1.7	1.2	1.4	2.0
Simple	2.9	2.3	2.8	2.9	2.5
Total theft	16.6%	16.7%	17.0%	16.4%	19.8%
Personal	10.5	9.5	11.3	10.3	11.4
Household	7.6	8.6	7.6	7.5	10.4
Burglary	4.4	6.8	4.8	4.6	6.8
Motor vehicle theft	1.6	3.3	2.4	1.7	3.5
Serious violent crime ^a	2.3%	3.8%	2.9%	2.3%	4.1%
Crimes of high concern ^b	6.9%	9.5%	8.2%	6.9%	10.9%

Note: Detail does not add to total or crime subtotals because of overlap in households experiencing various crimes.

^aRape, robbery, or aggravated assault.

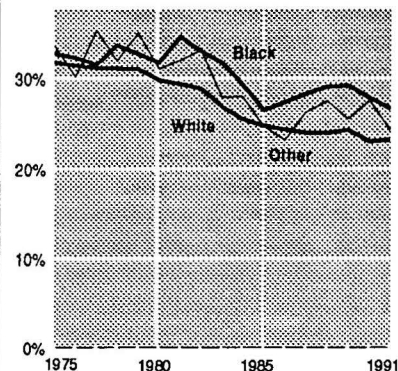
^bA rape, robbery, or assault by a stranger or a burglary.

The proportion of households in the Northeast experiencing motor vehicle thefts showed evidence of a decrease last year; in the Midwest, South, and West, percentages remained the same.

Households experiencing selected crimes, by race of household head, 1975-91

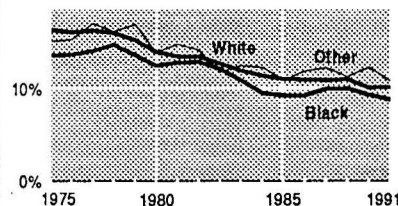
Any NCVS crime

Percent of households



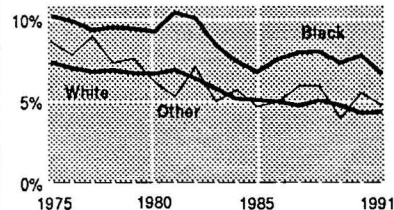
Personal theft without contact

Percent of households



Household burglary

Percent of households



Rape, robbery, and assault

Percent of households

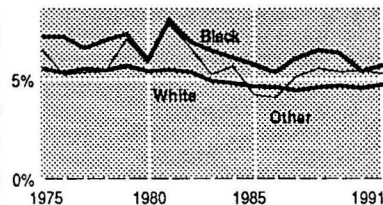


Figure 2

Burglaries of households with six-or-more members increased significantly between 1990 and 1991.

Race and ethnicity of household

Black households were generally more likely than white households to have been victimized in 1991 (table 3). Members of black households were 2.5 times more likely than members of white households to sustain a robbery (2.1% versus .8%). There was some evidence that the members of white households were more frequently victims of simple assaults. Whites were also more likely than blacks to fall victim to a personal theft without contact.

Black households were twice as likely as white households to experience a motor vehicle theft. These households were also significantly more likely than both white households and households of "other races" to be burglarized.

Larger proportions of Hispanic than non-Hispanic households were touched by most of the violent crimes and all the household crimes measured in the NCVS (table 3). There were no significant differences between Hispanic and non-Hispanic households for the crimes of assault and personal theft.

Family Income

Generally, as household income increased so did the household's susceptibility to

personal theft (table 4). For instance, households in the highest income bracket were twice as likely as households in the lowest income group to experience a theft. Only households earning under \$7,500 annually and those earning between \$7,500 and \$14,999 a year were victimized in similar proportions.

Violent and household crimes did not present such a consistent pattern of victimization. Members of households in the lowest income category were more likely than members of households earning \$15,000 or more annually to sustain a violent crime, excluding simple assaults. There was some evidence that members of households earning less than \$7,500 a year were more likely to experience these crimes than members of households earning \$50,000 or more, but there were no other significant differences among household income categories.

Similar proportions of households with annual incomes under \$7,500 and those with incomes between \$7,500 and \$14,999 were victimized by violent crime. However, there was some evidence that members of households in the lowest income category were more frequently victims of aggravated assault.

Households in the lowest income group were the most likely to be burglarized; there were no significant differences among households earning at least \$15,000 a year. Low income households

were least likely to sustain a motor vehicle theft, and there were no significant differences among the proportions of households in each income group that had experienced a larceny.

Place of residence

Urban households were the most likely and rural households the least likely to experience a crime, with a few exceptions (table 4): Although larger percentages of urban households sustained assaults and burglaries compared to suburban and rural households, suburban households were not more likely than rural households to experience these crimes. Members of households located in rural areas were less likely than members of both urban and suburban households to be victims of personal theft (7.2% versus 11.7% and 10.9%, respectively).

Region

As in previous years, Northeastern households experienced some of the lowest and Western households some of the highest rates of crime (table 4). The proportions of Midwestern and Southern households victimized tended to be similar. Some exceptions to this rule included:

The proportions of households in the Northeast whose members had experienced a simple or aggravated assault were lower than those of the remaining three regions. While households in the

Table 4. Percent of households experiencing crime, by selected characteristics, 1991

Percent of households experiencing:	Annual household income					Place of residence ^a			Region			
	Under \$7,500	\$7,500-\$14,999	\$15,000-\$24,999	\$25,000-\$49,999	\$50,000 or more	Urban	Suburban	Rural	North-east	Mid-west	South	West
Any NCVS crime	22.4%	22.4%	23.4%	24.8%	26.7%	29.1%	22.8%	17.4%	19.3%	23.5%	23.6%	28.8%
Violent crime	6.3%	5.7%	4.9%	4.7%	3.9%	6.2%	4.4%	3.8%	3.9%	5.1%	4.7%	6.0%
Rape	.2	.2	.2	.1	.2	.2	.1	.1	.1	.2	.2	.2
Robbery	1.3	1.3	.9	.8	.6	1.8	.7	.3	1.2	.8	.9	1.0
Assault	5.2	4.4	4.1	4.0	3.3	4.6	3.8	3.5	2.8	4.3	3.9	5.1
Aggravated	2.3	1.6	1.5	1.3	1.0	1.8	1.3	1.1	.9	1.4	1.6	1.7
Simple	3.3	3.2	2.8	3.0	2.6	3.1	2.8	2.7	2.1	3.2	2.6	3.7
Total theft	14.1%	14.7%	16.5%	17.9%	20.4%	20.0%	16.5%	11.9%	13.3%	16.5%	16.6%	20.6%
Personal	7.9	8.5	9.8	11.5	14.3	11.7	10.9	7.2	8.2	10.3	10.2	13.1
Household	7.6	7.8	7.9	7.8	7.9	10.1	7.0	5.4	6.1	7.5	7.7	9.6
Burglary	6.7	5.5	4.5	4.2	3.9	6.3	4.0	3.8	3.4	4.7	5.1	5.5
Motor vehicle theft	.9	1.7	1.7	1.9	2.3	2.9	1.6	.5	2.0	1.5	1.6	2.3
Serious violent crime ^b	3.7%	3.0%	2.4%	2.1%	1.6%	3.6%	2.1%	1.5%	2.1%	2.3%	2.6%	2.8%
Crimes of high concern ^c	9.6%	7.9%	7.0%	6.8%	6.1%	9.8%	6.3%	5.3%	5.5%	7.1%	7.4%	8.8%

Note: Detail does not add to total because of overlap in households experiencing various crimes.

-- Too few cases to obtain a statistically reliable estimate.

^aThese estimates are not comparable to estimates for place of residence prior to 1986 because of changes in geographic classification (see footnote 3).

^bRape, robbery, or aggravated assault.

^cA rape, robbery, or assault by a stranger or a burglary.

Midwest and West had similar rates for simple assault—3.2% and 3.7%—these percentages were higher than the 2.6% of households in the South that were affected by this crime.

Robberies were more frequently committed against members of households in the Northeast than in the Midwest. Motor vehicle theft rates did not vary significantly among households in the Northeast, Midwest, or South. The percentage of Western households that was a victim of this crime was higher than those for Midwestern and Southern households and similar to the proportion of Northeastern households victimized by this crime.

Size of household

Because there are more household members who could potentially fall victim to crime, larger households may be viewed as being more susceptible to crime. The likelihood of personal crime victimization, however, does not increase at a rate proportional to increases in household size. For instance, the percentage of six-or-more person households experiencing a personal theft was 2.5 times that of one-person households (16.4% versus 6.3%) (table 5).

There are various reasons why this relationship is not directly proportional. For example, many households with two or more members include children under the age of 12, whose victimizations are not measured by the NCVS.² Differing demographic characteristics and lifestyles among households of various sizes are also likely to affect the probability that a household will be touched by crime.

In 1991, as in 1990, fewer than 1 in 5 single-person households were victimized

by a crime, while 2 in 5 six-or-more person households sustained at least one victimization.

Households with six or more members were more than 4 times as likely as single-person households to be victimized by violent crime (12.2% versus 2.9%), 2.5 times more likely to experience a personal theft (16.4% versus 6.3%), and 3 times more likely to sustain a household theft (15.3% versus 5.1%).

Burglaries of six-or-more person households occurred twice as frequently as burglaries of one-person households; this crime varied least of any of the measured crimes.

Crimes of high concern

Of the crimes measured by the NCVS, many people find burglaries and violent crimes committed by strangers to be especially threatening. For the purposes of this report, these crimes have been termed *crimes of high concern*. Last year 1 in 14 households in the Nation were touched by a crime of high concern, the same ratio as in 1990.

Certain demographic groups were more likely than others to experience crimes of high concern: a higher percentage of black households than white households fell victim to a crime of high concern in 1991 (table 3). Hispanic households were more likely than non-Hispanic households to sustain these crimes, and households earning under \$7,500 a year were more likely than households in any other income group to experience such crimes (table 4). A greater percentage of urban households than suburban or rural households was victimized by a crime of high concern last year. Households in the Northeast were least likely, and those in the West most likely, to sustain at least one of these crimes while similar proportions of Midwestern and Southern households were victimized by a crime of high concern.

From 1981 to 1985 the percentage of households victimized each year by a crime of high concern decreased from 11% to 8%. This percentage remained

²Crimes against children under age 12 are excluded from the NCVS because asking sensitive questions about victimization might be stressful to the child or the parents, possibly discouraging adult participation in the survey.

Households experiencing crimes of high concern, by race of household head, 1981-91

(A rape, robbery, or assault by a stranger or a burglary)

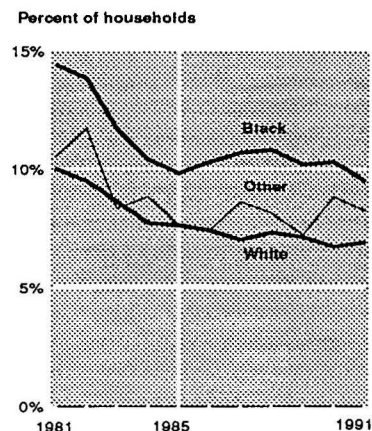


Figure 3

constant between 1985 and 1988 before declining in 1989 to 7%. The proportion of households touched by crimes of high concern remained at this level through 1990 and 1991.

Race and crime seriousness

Along with crimes of high concern, black households were also more likely than white households to fall victim to a serious violent crime—rape, robbery, or aggravated assault. Of black households, 3.8% experienced a serious violent crime while 2.3% of white households experienced such crimes (table 3). Crimes of high concern touched 9.5% of black households and 6.9% of white households in 1991.

Factors affecting trends

Over time, population shifts and changes in household composition have affected the overall downward trend that the households-victimized-by-crime indicator has shown since 1975.

The trend in population shifts throughout the country has been towards the South and West and away from the Northeast and Midwest. Urban residents have been moving to suburban and rural areas as well. In 1975, 50% of the U.S. population lived in the Northeast or Midwest, compared to 45% in 1991. Between 1975 and

Table 5. Percent of households touched by selected crimes, by size of household, 1991

Percent of households experiencing:	Number of persons in household			
	1	2-3	4-5	6+
Any NCVS crime	16.6%	23.1%	31.0%	40.0%
Violent crime	2.9%	4.5%	7.1%	12.2%
Total theft	10.8	16.4	22.6	28.2
Personal	6.3	10.2	14.8	16.4
Household	5.1	7.5	10.1	15.3
Burglary	4.2	4.5	5.2	9.2
Motor vehicle theft	1.2	1.8	2.2	3.6

1985 the percentage of households located in urban areas fell from 32% to 29% of all households, while suburban and rural households increased from 68% to 71%. After 1986 urban households continued to account for a declining percentage of all households, and suburban households, an increasing one.³

Household size fluctuates as people are constantly moving into and out of different households, creating new households, and merging existing ones. Between 1975 and 1991, the average size of the American household decreased. One-person households represented 21% of all households in 1975 but 25% in 1991. The percentage of households consisting of six or more persons fell from 7% to 3%.

Two population movements outlined above, changing household size and household location, have shifted population from households more likely to experience crime—larger ones and those in urban areas—to those less likely—smaller ones and those in suburban or rural areas. Another movement has shifted the population in the opposite direction, from the Northeast, a region with a lower likelihood of crime, to the West, where a higher proportion of households experience crime.

While current data do not permit measurement of the degree to which all population movements have affected the indicator, estimates can be made for the effect of changes in household size. If the size distribution of American households were the same in 1991 as in 1975, the estimate of households experiencing crime would have been 24.7% rather than 23.7%.⁴ This adjusted estimate, however, is still significantly below the 1975 estimate of 32% of households victimized by crime.

³Places of residence for 1986 through 1991 are based on 1980 Census definitions, and earlier years are based on 1970 definitions. Hence, the places of residence and population distributions identified in the two periods 1975-85 and 1986-91 were not directly comparable.

⁴This analysis assumes that in each category of household size the percentage of households victimized by crime in 1991 would be unchanged, given the size distribution for all households that existed in 1975.

Methodology

The Bureau of Justice Statistics (BJS) developed the households-victimized-by-crime indicator in 1981 to improve our understanding of the impact of crime on our society.⁵ The household was chosen as the unit of analysis because crimes such as burglary are crimes against an entire household and crimes against persons affect members of the victim's household.

Crimes not included in the NCVS

Households-victimized-by-crime estimates are derived from NCVS statistics on rape, personal robbery, assault, household burglary, and personal and household theft, and motor vehicle theft.⁶ Because the NCVS counts only crimes for which the victim can be interviewed, homicide is not counted. Its exclusion does not noticeably affect the estimates. If each of the homicides during 1991 had occurred in a different household and if these households had been victimized by no other crime (the largest possible effect), then the inclusion of homicides in these findings would not have raised the overall percent of households victimized by crime (23.7%) by as much as 0.02%.⁷

Other crimes against persons or their households, such as fraud, confidence games, kidnapping, and arson are not included in this analysis because they are not measured by the NCVS. Commercial crimes, drug trafficking, and drug possession crimes also are not included.

Rates of crime — number of crimes per 1,000 persons or households

Traditional measures of crime are in the form of volumes or rates. Data on the volume of crime have limited usefulness because the size of the population is not taken into account. Rates — expressed in the NCVS as crimes per 1,000 households or per 1,000 persons — automatically correct for different population sizes. Rates based on the individual person and household, however, give only one measure of how common a crime is. Because

⁵*The Prevalence of Crime*, BJS Bulletin, NCJ-75905, April 1981.

⁶These crimes are defined in *Measuring Crime*, BJS Bulletin, NCJ-75710, February, 1981. As used in this report, the term "theft" is synonymous with the term "larceny" used in previous reports. The NCVS was formerly named the National Crime Survey (NCS).

crimes against individuals are likely to affect everyone with whom they reside, another estimate of whether crime is widely spread or highly concentrated is to measure its occurrence in households with different characteristics.

Households-victimized-by-crime indicator

For each type of crime examined, a household is counted only once, regardless of how many times that household was victimized. For example, if a household were burglarized twice and one of its members was robbed once during the year, it is counted once for households sustaining burglary even though it was victimized twice by burglary. It is also counted once for households victimized by robbery. Finally, it is counted once in the overall measure, households victimized by crime.

Consequently, the households-victimized-by-crime estimate for 1991 (23.7%) is less than the sum of the estimates for households victimized by personal crimes (14.0%) and those victimized by household crimes (13.0%) because 2.2% of U.S. households were victims of both personal and household crimes. Similarly, because about 1.2% of U.S. household experience both personal theft and violence, the sum of households victimized by personal theft (10.4%) and those victimized by violence (4.9%) exceeds the estimate of those victimized by personal crime (14.0%).

All data in this Bulletin are from the NCVS except those specifically attributed to other sources. The NCVS is an ongoing survey conducted for BJS by the Bureau of the Census. Interviews are conducted at 6-month intervals with all occupants age 12 or older in about 49,000 housing units (99,000 persons). Because the NCVS does not obtain information about crimes against persons under age 12, households experiencing only such crimes are not included in the estimate of households victimized by crime.

Revisions to prior year estimates

Estimates of the percentage of households affected by crime for 1987 and

⁷Preliminary estimates for 1991 indicate that homicides increased by 7% from the 23,438 that occurred in 1990 (Federal Bureau of Investigation, Uniform Crime Reports, 1992).

1989 vary from those published in *Households Touched by Crime, 1987* and *Crime and the Nation's Households, 1989*, respectively.

In 1987 the NCVS conducted a preliminary test on 5% of the sample using computer-assisted-telephone interviewing (CATI). In CATI an interviewer enters responses directly into a computer rather than on a printed form. Data from the CATI experiment were excluded from estimates until the effects of the change in procedure were known.

Subsequent to the publication of *Crime and the Nation's Households, 1989*, Census Bureau programmers discovered that a weighting adjustment was inadvertently omitted from the processing to produce the 1989 crime prevalence estimates. In general, the effect of the error was a slight overestimate of the percentage of households touched by crime for the Nation and for most population groups. Comparison of the corrected 1989 estimates with published estimates did not uncover any substantive change.

Estimates of standard errors

The estimates in this Bulletin are derived from sample survey data, and they are subject to sampling variation.⁸ Because the procedure used to produce estimates of households sustaining crime differs from that for victimization rates, the households-victimized data have standard errors about 8% higher than those for victimization rates with the same population bases, even though they are derived from the same sample survey.

Comparisons presented in this report were determined to be statistically significant at the 95% confidence level, meaning that the estimated difference is greater than twice the standard error. Statements of comparison qualified by language such as "slightly", "somewhat," or "marginal" indicate statistical significance at the 90%

level (1.6 standard errors). The estimates are also subject to response errors, including crimes that are forgotten or withheld from the interviewer. Such response errors tend to cause understated counts of households victimized by crime.⁹

Bureau of Justice Statistics Bulletins are prepared by BJS staff. This report was written by Lisa Bastian. Tom Hester edited it. Tina Dorsey and Yvonne Boston administered production.

July 1992, NCJ-136950

The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

⁸Details of the NCVS sample design, the standard error computation, and the customary estimation procedure for victimization rates and counts may be found in *Criminal Victimization in the United States, 1990*, NCJ-134126, February 1992, appendix III.

⁹A more detailed description of the procedures used to estimate households victimized by crime appears in an unpublished memorandum prepared by the U.S. Bureau of the Census. The memorandum is available from Lisa Bastian, c/o Bureau of Justice Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531, telephone (202) 616-3276.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS

To: AG. (THRU OJP/GURULE)

ODD: NONE

Date Received: 06-17-92 Date Due: NONE

Control #: X92061809325

Subject & Date

06-16-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULED FOR JUNE 24, 1992, REGARDING VARIOUS
FINDINGS FROM BJS's 1991 ANNUAL JAIL SAMPLE SURVEY. A COPY
OF THE RELEASE HAS BEEN TRANSMITTED TO PAO, WHERE IT IS
UNDER REVIEW.

Referred To: Date:
(1) OAG; 06-18-92
(2)
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(4)

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(5)
(6)
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(8)

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16 June 92

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1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



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Office of the Director

'92 JUN 17 P5:37

Washington, D.C. 20531

EXECUTIVE SECRETARIAT

JUN 16 1992

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurule
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
1991 Annual Survey of Jails

Attached for your information is a Bureau of Justice Statistics news release scheduled for June 24 with findings that there were an estimated 426,479 men and women in the nation's local jails as of midyear 1991. The 5.2 percent increase from the year before was double the 1990 growth rate (2.5 percent) but was less than the 15.1 percent growth from midyear 1988 to midyear 1989. Nationally, local jails were estimated to be operating at 101 percent of their rated capacity, which was lower than the 104 percent of rated capacity estimated for 1990.

The findings are from BJS's annual jail sample survey, which provides national estimates of jail populations based on data obtained from 1,124 jails in 799 jurisdictions. Other survey findings include:

--The average daily jail population for the year ending June 28, 1991 was 422,609 inmates, which was a 3.6 percent increase from the year preceding.

--Fifty-one percent of the adults being held in jails were awaiting arraignment or trial. The other 49 percent were serving a sentence or had been returned to jail for violating probation conditions or parole supervision in the community.

--There were more than 20 million jail admissions and releases during the 12 months ending June 28, 1991.

There were 505 jurisdictions which held at least 100 jail inmates as an average daily population in 1988, the most recent year in which a complete census of the 3,316 jails nationwide was conducted. During 1991 these jurisdictions held 343,702 inmates (about 81 percent of the national total) in 823 facilities.

Among the survey's findings in these larger jurisdictions were the following:

- The occupancy rate was 107 percent of rated capacity.
- Rated capacity grew by 9 percent during the 1990-1991 period, which was twice the rate of inmate population growth.
- Eighty-five percent of the jurisdictions were holding inmates for other authorities.
- Forty-seven percent of the jurisdictions held inmates because of crowding elsewhere, which was 5 percent less than the year before.
- Of the 39,917 inmates being held for other authorities last year, 23,495 were being held because of crowding in other facilities, principally in state prisons.
- Twenty-seven percent of the jurisdictions had at least one jail under court order to limit populations. Thirty percent were under court order to improve one or more confinement conditions.
- There were 546 inmate deaths in 38 percent of the larger jurisdictions during the year ending June 28, 1991. Fifty-one percent were from natural causes other than AIDS, which accounted for 15 percent of all mortalities reported by those larger jurisdictions. Twenty-four percent were from suicide. Injury by another person caused 3 percent of all inmate deaths in the larger jurisdictions, and 7 percent resulted from accidents or were due to unknown causes.

Nationally, 90.7 percent of the local jail inmates were males. White non-Hispanic inmates constituted 41.1 percent of the inmates, black non-Hispanics made up 43.4 percent, Hispanics 14.2 percent and others (native Americans, Aleuts, Asians and Pacific Islanders) 1.3 percent.

The 1991 Annual Survey of Jails was the eighth such study since the surveys were begun in 1982.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review. A separate copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
WEDNESDAY, JUNE 24, 1992

BJS
202-307-0784

AN ESTIMATED 426,479 PEOPLE IN THE NATION'S LOCAL JAILS

WASHINGTON, D.C. -- There were an estimated 426,479 men and women in the nation's local jails as of midyear 1991, the Bureau of Justice Statistics (BJS) announced today. The 5.2 percent increase from the year before was double the 1990 growth rate (2.5 percent) but was less than the 15.1 percent growth from midyear 1988 to midyear 1989, said BJS, a Department of Justice component in the Office of Justice Programs. Nationally, local jails were estimated to be operating at 101 percent of their rated capacity, which was lower than the 104 percent of rated capacity estimated for 1990.

The findings are from BJS's annual jail sample survey, which provides national estimates of jail populations based on data obtained from 1,124 jails in 799 jurisdictions. Other survey findings include:

--The average daily jail population for the year ending June 28, 1991 was 422,609 inmates, which was a 3.6 percent increase from the preceding year.

--Fifty-one percent of the adults being held in jails were awaiting arraignment or trial. The other 49 percent were serving a sentence or had been returned to jail for violating probation conditions or parole supervision in the community.

-MORE-

--There were more than 20 million jail admissions and releases during the 12 months ending June 28, 1991.

The BJS study found that there were 505 jurisdictions which held at least 100 jail inmates as an average daily population in 1988, the most recent year in which a complete census of the 3,316 jails nationwide was conducted. During 1991 these jurisdictions held 343,702 inmates (about 81 percent of the national total) in 823 facilities. Among the survey's findings in these larger jurisdictions were the following:

--The occupancy rate was 107 percent of rated capacity.

--Rated capacity grew by 9 percent during the 1990-1991 period, which was twice the rate of inmate population growth.

--Eighty-five percent of the jurisdictions were holding inmates for other authorities.

--Forty-seven percent of the jurisdictions held inmates because of crowding elsewhere, which was 5 percent less than the year before.

--Of the 39,917 inmates being held for other authorities last year, 23,495 were being held because of crowding in other facilities, principally in state prisons.

--Twenty-seven percent of the jurisdictions had at least one jail under court order to limit populations. Thirty percent were under court order to improve one or more confinement conditions.

--There were 546 inmate deaths in 38 percent of the larger jurisdictions during the year ending June 28, 1991. Fifty-one percent were from natural causes other than AIDS, which accounted

-MORE-

for 15 percent of all mortalities reported by those larger jurisdictions. Twenty-four percent were from suicide. Injury by another person caused 3 percent of all inmate deaths in the larger jurisdictions, and 7 percent resulted from accidents or were due to unknown causes.

Nationally, 90.7 percent of the local jail inmates were males. White non-Hispanic inmates constituted 41.1 percent of the inmates, black non-Hispanics made up 43.4 percent, Hispanics 14.2 percent and others (native Americans, Aleuts, Asians and Pacific Islanders) 1.3 percent.

The report based on the 1991 Annual Survey of Jails was the eighth such study since the surveys were begun in 1982. For these purposes a local jail is a facility that holds inmates, usually for more than 48 hours, and is administered by local rather than state officials. Excluded are lockups that house people for less than 48 hours, drunk tanks, police station holding facilities, federal or state facilities.

Single copies of the BJS bulletin "Jail Inmates 1991" (NCJ-134726) as well as other BJS publications and data may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs and Crime Data Center and Clearinghouse on 1-800-666-3332.

Data from the tables and graphs used in BJS reports can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

#



Bureau of Justice Statistics Bulletin

Jail Inmates 1991

By Louis W. Jankowski
BJS Statistician

At midyear 1991 local jails in the United States held an estimated 426,479 persons, a 5.2% increase from midyear 1990. The average daily jail population for the year ending June 28, 1991, was 422,609, a 3.6% increase since 1990. (See appendix table I.) The percentage growth in both the midyear count and the average daily population was significantly lower than the increases recorded between 1988 and 1989 (15.1%). Overall jail occupancy was 101% of the rated capacity of the Nation's jails. These findings are from the 1991 Annual Survey of Jails, which obtained data from 1,124 jails in 799 jurisdictions, approximately a third of all jails. The jails surveyed are facilities administered by local officials and designed to hold persons for more than 48 hours but usually for less than 1 year.

Other survey findings include:

- During the year ending June 28, 1991, there were more than 20 million jail admissions and releases.
- Males constituted 90.7% and females 9.3% of all jail inmates. White non-Hispanics were 41.1% of the local jail population; black non-Hispanics, 43.4%; Hispanics, 14.2%; and non-Hispanics of other races, 1.2% of all inmates reporting race.
- Unconvicted inmates (those on trial or awaiting arraignment or trial) were 51% of the adults being held in jails; convicted

inmates (those awaiting or serving a sentence or those returned to jail for violating probation or parole) were 49%.

- Jails were operating at 101% of rated capacity in 1991, down from 104% in 1990.
- There were 505 jurisdictions with at least 100 jail inmates as an average daily population in the most recent census (1988). In 1991, these jurisdictions operated 823 jails, which held a total of 343,702 inmates or about 81% of all jail inmates in the country.

In these jurisdictions--

- the overall occupancy rate was 107% of rated capacity;
- rated capacity increased by 9%, an expansion nearly twice the rate of inmate population growth;
- 85% of the jurisdictions held inmates for other authorities;
- 47% of the jurisdictions held inmates because of crowding elsewhere, a 5% decrease from 1990;
- of the 39,917 inmates held for other authorities in 1991, 23,495 were being held because of crowding elsewhere, principally in State prisons;
- 27% of the jurisdictions had at least one jail under court order to limit population, and 30% were under court order to improve one or more conditions of confinement;

— 38% of the jurisdictions reported at least one jail with an inmate death during the year;

— 546 inmate deaths were reported for these facilities during the year ending June 28, 1991, 51% from natural causes (other than AIDS);

— AIDS-related deaths accounted for 15% of all reported deaths.

June 1992

This Bureau of Justice Statistics Bulletin presents findings from the Annual Survey of Jails, conducted on June 28, 1991. The survey provides estimates of the country's jail inmate population in the years between nationwide BJS jail censuses. This is the eighth survey in the series and the third following the 1988 Census of Local Jails.

We at BJS hope that this Bulletin will assist policymakers, practitioners, and the general public in assessing the current demands of a vital component of the Nation's criminal justice system.

The 1991 Annual Survey of Jails and this Bulletin would not have been possible without the generous cooperation of jail administrators and staff whose facilities were selected for the survey.

Steven D. Dillingham, Ph.D.
Director

One-day counts

On June 28, 1991 the estimated number of inmates held in local jails was 426,479, an increase of 5.2% over the number held on that day a year earlier (table 1). One in every 430 adult residents of the United States was in jail on June 28, 1991. Fewer than 1% of the inmates of the Nation's jails in 1991 were juveniles.

An estimated 2,350 juveniles were housed in adult jails across the country on June 28, 1991. Most juveniles in correctional custody are housed in juvenile facilities. (For a definition of juveniles, see *Methodology*.)

Table 1. Jail population: One-day count and average daily population, by legal status and sex, 1990-91

	Number of jail inmates		Percent change, 1990-91
	Annual		
	Survey of Jails		
	1990	1991	
<hr/>			
One-day count			
All inmates	405,320	426,479	5.2%
Adults	403,019	424,129	5.2
Male	365,821	384,628	5.1
Female	37,198	39,501	6.2
Juveniles*	2,301	2,350	2.1
Average daily population			
All inmates	408,075	422,609	3.6%
Adults	405,935	420,276	3.5
Male	368,091	381,458	3.6
Female	37,844	38,818	2.6
Juveniles*	2,140	2,333	9.0

Note: Data for 1-day counts are for June 28, 1991. *Juveniles are persons defined by State statute as being under a certain age, usually 18, and subject initially to juvenile court authority even if tried as adults in criminal court. Because less than 1% of the jail population were juveniles, caution must be used in interpreting any changes over time.

Table 2. Conviction status of adult jail inmates, by sex, 1990-91

	Number of jail inmates in Annual Survey of Jails	
	1990	1991
Total number of adult inmates		
	403,019	424,129
Convicted		
Male	195,661	206,458
Female	177,619	185,947
	18,042	20,511
Unconvicted		
Male	207,358	217,671
Female	188,202	198,681
	19,156	18,990

Note: Data are for June 29, 1990, and June 28, 1991. Annual Survey of Jails data may underestimate the number of convicted inmates and overestimate the number of unconvicted inmates. Some facility records do not distinguish inmates awaiting sentence (or other convicted persons) from unconvicted inmates. The 1989 Survey of Inmates in Local Jails figures indicate that 43% of the inmates were unconvicted and 57% were convicted.

Average daily population

The average daily population for the year ending June 28, 1991, was 422,609, an increase of 3.6% from 1990. The average daily population for males increased 3.6% from the number in 1990; during the same period, the female average daily population increased 2.6%. The average daily juvenile population for the year ending June 28, 1991, was 2,333.

Adult conviction status

At midyear 1991, convicted inmates made up 48.7% of all adult inmates (table 2). The number of convicted inmates increased 5.5% since June 29, 1990. Convicted inmates include those awaiting sentencing or serving a sentence and those returned to jail because they had violated the conditions of their probation or parole.

From 1990 to 1991 the number of unconvicted inmates increased 4.9%. Unconvicted inmates include those on trial or awaiting arraignment or trial.

Demographic characteristics

Males accounted for 90.7% of the jail inmate population (table 3). The adult male inmate population increased 5.1% since 1990. An estimated 1 in every 225 men and 1 in every 2,421 women residing in the United States were in a local jail on June 28, 1991.

Table 3. Demographic characteristics of jail inmates, 1990-91

Characteristic	Percent of jail inmates	
	1990	1991
Total	100%	100%
Sex		
Male	90.8%	90.7%
Female	9.2	9.3
Race/Hispanic-origin		
White non-Hispanic	41.8%	41.1%
Black non-Hispanic	42.5%	43.4%
Hispanic	14.3%	14.2%
Other*	1.3%	1.2%

Note: Data are for June 29, 1990, June 28, 1991. Race was reported for 99% of the inmates in both years. *Native Americans, Aleuts, Asians, and Pacific Islanders.

White non-Hispanics inmates made up 41.1% of the jail population; black non-Hispanics 43.4%; Hispanics, 14.2%; and other races (Native Americans, Aleuts, Asians, and Pacific Islanders), 1.2%.

Population movement

During the year ending June 28, 1991, there were more than 20 million admissions and releases from local jails, about equally divided between total admissions and releases (table 4). The estimated volume of admissions increased by 2% between 1990 and 1991. Total admissions and releases for the year ending June 28, 1991, were approximately 14,000 for juvenile females, 103,000 for juvenile males, 2.3 million for adult females, and 17.7 million for adult males. Admission and release data may include intrasystem transfers within jail jurisdictions. (For a discussion of reporting practices, see *Methodology*.)

Table 4. Annual jail admissions and releases, by legal status and sex, 1990-91

	Number of jail admissions and releases	
	1990	1991
Total admissions		
	10,064,927	10,266,267
Adults		
Male	10,005,138	10,206,086
Female	8,894,706	9,018,632
	1,110,432	1,187,454
Juveniles*		
Male	59,789	60,181
Female	51,226	53,257
	8,563	6,924
Total releases		
	9,870,546	9,929,347
Adults		
Male	9,811,198	9,873,048
Female	8,723,872	8,718,938
	1,087,326	1,154,110
Juveniles*		
Male	59,348	56,299
Female	50,913	49,571
	8,435	6,728

Note: Data are for years ending June 29, 1990, and June 28, 1991. Admissions and release data may include intra-system transfers within jail systems.

*Juveniles are persons defined by State statute as being under a certain age, usually 18, and subject initially to juvenile court authority even if tried as adults in criminal court.

Occupancy

The number of jail inmates increased 5.2% from 1990, while the total rated capacity of the Nation's jails rose 8.2% (table 5). Between June 29, 1990, and June 28, 1991, the percentage of rated capacity which was occupied fell 3 points to 101%.

Characteristics of jurisdictions with large jail populations

On June 28, 1991, 81% of the Nation's local jail inmates were housed in the facilities of 505 jurisdictions, each with an average daily population of at least 100 incarcerated persons at the time of the 1988 Census of Local Jails. These jurisdictions accounted for 823 jails holding 343,702 inmates. The annual growth in the number of inmates housed in large jails (4.8%) was lower than that of the total jail population during 1990-91 (5.2%).

Approximately 85% of the jurisdictions with large jail populations had one or more jails holding inmates for other authorities on June 28, 1991—approximately 2% fewer than in 1990 (Table 6). About 76% of the jurisdictions that were holding inmates for other authorities were holding them for State authorities. The number being held for State authorities in 1991 was 5% higher than in the previous year.

Approximately 12% of the inmates were being held for other authorities, 1,952 fewer than in 1990. Since midyear 1990, the number of inmates being held for local authorities increased by nearly 30%, while the number of inmates being held for Federal authorities decreased by 5%.

Approximately 47% of jurisdictions with large jail populations were holding inmates on June 28, 1991, because of crowding elsewhere. Of the 39,917 local jail inmates

held for other authorities, 59% or 23,495 were detained due to crowding elsewhere, mostly in State prisons.

While overall occupancy in the Nation's jails was 1% above rated capacity in 1991, occupancy in jurisdictions with large jail populations was 7% above rated capacity (table 7). The number of large jail jurisdictions with at least 1 jail under court order to reduce crowding decreased from 142 in 1990 to 136 in 1991. Jail administrators responded to judicial demands by increasing the rated capacity of facilities in large jail jurisdictions by 9% in 1991—an expansion nearly twice as large as inmate population growth in large jail jurisdictions.

Table 5. Jail capacity and occupancy, selected years, 1978-91

	National Jail Census			Annual Survey of Jails		
	1978	1983	1988	1989	1990	1991
Number of inmates	158,394	223,551	343,569	395,553	405,320	426,479
Rated capacity of jails	245,094	261,556	339,633	367,769	389,171	421,237
Percent of rated capacity occupied*	65%	85%	101%	108%	104%	101%

Note: Data are for February 15, 1978, June 30, 1983, 1988, 1989, June 29, 1990, and June 28, 1991.
*Percent of rated capacity occupied is based on the 1-day count of inmates.

Table 7. Jurisdictions with large jail population: Rated capacity and percent of capacity occupied, 1990-91

Jurisdictions with large jail populations	Number of jurisdictions		Rated capacity		Number of jail inmates		Percent of capacity occupied	
	1990	1991	1990	1991	1990	1991	1990	1991
Total	508	505	294,965	322,577	327,917	343,702	111%	107%
Jurisdictions with no jail under court order to reduce population	366	369	149,339	165,132	162,792	172,369	109%	104%
Jurisdictions with at least one jail under court order to reduce population	142	136	145,626	157,445	165,125	171,333	113%	109%

Table 6. Jurisdictions with large jail populations: Impact of inmates held for other authorities, 1990-91

	Number of jurisdictions/inmates	
	1990	1991
Jurisdictions with large jail populations	508	505
Jurisdictions holding inmates for other authorities:*	444	427
Federal	246	239
State	346	323
Local	225	220
Jurisdictions holding inmates because of crowding elsewhere:	262	235
All inmates in jurisdictions with large jail populations	327,917	343,702
Inmates being held for other authorities:	37,965	39,917
Federal	8,182	7,792
State	26,277	27,577
Local	3,506	4,548
Inmates being held because of crowding elsewhere:	24,238	23,495

Note: Data are for June 29, 1990, and June 28, 1991, and cover all jurisdictions with an average daily inmate population of 100 or more at the time of the 1988 Census of Local Jails.

*Detail adds to more than total because some jurisdictions held inmates for more than one authority.

Jail administrators also responded to court directives to improve specific conditions of confinement. There were 149 large jail jurisdictions under court order for specific conditions in 1991, compared to 152 in 1990 (table 8). Fewer jurisdictions were operating under court orders to improve crowded living conditions, recreational facilities, visitation policies, food service, staffing patterns, grievance procedures, and counseling programs. However, as compared to 1990, 8 more jurisdictions were under court order in 1991 to improve medical facilities or services, 6 more to improve education or training programs, and 4 more for fire hazards (table 8).

Twenty-five largest jail jurisdictions

The Nation's 25 largest jail jurisdictions had between 1 and 17 jail facilities in their systems, and average daily populations ranging from 2,076 to 20,779 inmates (table 9). Nine of the jurisdictions were located in California, 4 in Texas, 3 in Florida, and 1 each in Arizona, District of Columbia, Georgia, Illinois, Louisiana, Maryland, Pennsylvania, New York, and Tennessee. Eight of the jurisdictions had a lower average daily population in 1991 than in 1990, and 11 had a lower population on June 28, 1991, than on June 29, 1990.

Table 8. Jurisdictions with large jail populations: Number of jurisdictions under court order to reduce population or to improve conditions of confinement, 1990-91

	Number of jurisdictions with large jail populations					
	Total		Ordered to limit population		Not ordered to limit population	
	1990	1991	1990	1991	1990	1991
Total	508	505	142	136	366	369
Jurisdictions under court order citing specific conditions of confinement	152	149	128	123	24	26
Subject of court order:						
Crowded living units	128	119	119	112	9	7
Recreation facilities	67	66	56	55	11	11
Medical facilities or services	50	58	41	45	9	13
Visitation practices or policies	42	36	37	31	5	5
Disciplinary procedures or policies	32	34	25	26	7	8
Food service	36	33	30	30	6	3
Administrative segregation procedures or policies	26	27	23	22	3	5
Staffing patterns	51	46	43	40	8	6
Grievance procedures or policies	34	29	28	24	6	5
Education or training programs	16	22	14	19	2	3
Fire hazards	14	18	11	18	3	0
Counseling programs	20	18	17	14	3	4
Inmate classification	37	37	32	34	5	3
Library services	50	50	41	38	9	12
Other	14	15	11	8	3	7
Total of conditions	37	40	34	34	3	6

Note: Detail adds to more than the total number of jurisdictions under court order for specific conditions

Table 9. Twenty-five largest jurisdictions: Average daily population and one-day count, June 29, 1990, and June 28, 1991

Jurisdiction	Number of jails in jurisdiction		Average daily population during		Population on	
	1990	1991	1990	1991	June 29, 1990	June 28, 1991
Los Angeles County, Calif.	8	9	21,984	20,779	21,610	20,885
New York City, N.Y.	14	17	17,538	20,419	16,916	20,563
Cook County, Ill.	--	--	6,825	7,257	7,169	8,356
Harris County, Tex.	3	3	5,694	6,751	5,633	6,808
Dade County, Fla.	6	7	4,551	5,343	4,758	5,493
Dallas County, Tex.	4	4	5,860	5,247	5,306	4,686
Shelby County, Tenn.	2	2	4,932	5,008	4,894	5,755
Philadelphia County, Penn.	7	7	4,813	4,897	4,821	4,589
San Diego County, Calif.	12	12	5,089	4,660	4,803	4,303
Orange County, Calif.	3	3	4,370	4,378	4,402	4,390
Maricopa County, Ariz.	6	6	3,887	4,312	4,260	4,480
Santa Clara County, Calif.	7	7	4,177	4,072	4,217	4,166
Tarrant County, Tex.	3	4	2,958	3,779	3,339	4,000
Orleans Parish, La.	--	--	3,604	3,677	3,550	4,481
Broward County, Fla.	3	3	3,059	3,502	2,788	3,584
Orange County, Fla.	2	2	2,890	3,267	3,031	3,225
Sacramento County, Calif.	3	3	3,095	3,170	3,233	2,980
Fulton County, Ga.	4	4	2,517	2,983	3,151	2,969
Alameda County, Calif.	4	3	3,610	2,912	3,505	2,891
Baltimore City, Md.	4	4	2,678	2,828	2,708	2,894
San Bernardino County, Calif.	2	2	2,852	2,735	2,909	2,929
Washington, D.C.	1	1	1,692	2,365	1,692	2,356
Bexar County, Tex.	1	1	2,352	2,313	2,339	1,981
Riverside County, Calif.	4	4	2,110	2,240	2,111	2,174
Kern County, Calif.	3	3	2,383	2,076	2,595	1,770

--These jurisdictions provided a single report covering all of their jail facilities.

Inmate deaths

A total of 190 large jail jurisdictions (38%) reported one or more jails with an inmate death during the year ending June 28, 1991 (table 10). The comparative number from the previous year was 180 (35%). Three of every four deaths reported in jurisdictions with large jail populations in 1991 resulted from either natural causes other than AIDS (51%), or from suicide (24%). AIDS-related deaths accounted for 15% of the total; injury by another person, 3%; and accidents or undetermined causes, 7%.

Table 10. Jurisdictions with large jail populations: Inmate deaths, 1990-91

Cause of death	Jurisdictions reporting deaths ^a		Inmate deaths	
	1990	1991	1990	1991
Total	180	190	494	546
Natural causes ^b	98	116	208	278
AIDS	32	32	84	84
Suicide	102	89	148	131
Injury by another person	11	11	14	16
Other ^c	22	21	40	37

Note: Data are for the year ending June 29, 1990, and June 28, 1991, and cover all jurisdictions with an average daily inmate population of 100 or more at the time of the 1988 Jail Census. The number of deaths from AIDS and other natural causes may have been under-reported in some jurisdictions that transferred sick inmates to outside hospitals and other medical facilities.

^aDetail adds to more than total because some jurisdictions reported more than one type of death.

^bExclude AIDS-related deaths.

^cIncludes accidents and undetermined causes of death.

Methodology

The 1991 Annual Survey of Jails was the eighth such survey in a series sponsored by the Bureau of Justice Statistics. The first was conducted in 1982. Complete enumerations of the Nation's jails are conducted every 5 years. Annual surveys — which collect data on all jails in jurisdictions with 100 or more jail inmates and on a sample of all other jails — are carried out in each of the 4 years between the full censuses. The reference date for the 1991 survey was June 28, 1991. Full censuses were done on February 15, 1978, June 30, 1983, and June 30, 1988.

A *local jail* is a facility that holds inmates beyond arraignment, usually for more than 48 hours, and is administered by local officials. Specifically excluded from the count were temporary lockups that house persons for less than 48 hours, physically separate drunk tanks, and other holding facilities that did not hold persons after they had been formally charged, Federal- or State-administered facilities, and the combined jail-prison systems of Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont. Included in the universe were five locally operated jails in Alaska and eight jails that were privately operated under contract for local governments.

The 1991 survey included 1,124 jails in 799 jurisdictions. A *jurisdiction* is a county, municipality, township, or regional authority

that administers one or more local jails. The jails in 505 jurisdictions were automatically included in the survey because the average daily inmate population in these jurisdictions was 100 or more in the 1988 census. The jurisdictions with large jail populations, referred to as certainty jurisdictions, accounted for 823 jails and 343,702 inmates, or 81% of the estimated inmate population on June 28, 1991. Three certainty jurisdictions, each having only one jail facility, were excluded from the 1991 survey because the jail facility closed or became strictly a holding facility and therefore was out-of-scope for this survey. Information referring to certainty jurisdictions is presented at the jurisdiction level. Prior to 1987 these data were presented for individual jails. The other jurisdictions surveyed constituted a stratified random sample of those jurisdictions whose average daily population was less than 100 in the 1988 jail census.

Data were obtained by mailed questionnaires. Two followup mailings and phone calls were used to encourage reporting. The response rate was 99% for all jails. For the four jails in certainty jurisdictions and the one jail in a noncertainty jurisdiction not responding to the survey, data were adjusted by applying the average growth factor for facilities in the same stratum and region with the same type of inmates (men, women, or both sexes).

National estimates for the inmate population on June 28, 1991, were produced by sex, race, legal status, and conviction status; for the average daily population during the year ending June 28, 1991, by sex and legal status; and for admissions and releases during the year ending June 28, 1991, by sex and legal status. National estimates were also produced for rated capacity. Administrators of jails in jurisdictions with large jail populations provided counts of inmates held for other authorities, inmate deaths, and jails under court order.

Appendix table 1. One-day count and average daily population of jail inmates, selected years 1978-91

	Number of jail inmates					
	National Jail Census			Annual Survey of Jails		
	1978	1983	1988	1989	1990	1991
One-day count						
All inmates	158,394	223,551	343,569	395,553	405,320	426,479
Adults	156,783	221,815	341,893	393,303	403,019	424,129
Male	147,506	206,163	311,594	356,050	365,821	384,628
Female	9,277	15,652	30,299	37,253	37,198	39,501
Juveniles ^a	1,611	1,736	1,676	2,250	2,301	2,350
Average daily population						
All inmates	157,930	227,541	336,017	386,845	408,075	422,609
Adults	156,190	225,781	334,566	384,954	405,935	420,276
Male	146,312	210,451	306,379	349,180	368,091	381,458
Female	9,878	15,330	28,187	35,774	37,844	38,818
Juveniles ^a	1,740	1,760	1,451	1,891	2,140	2,333

Note: Data for 1-day counts are for February 15, 1978, and June 30, 1983, 1988, and 1989, June 29, 1990, and June 28, 1991.

^aJuveniles are persons defined by State statute as being under a certain age, usually 18, and subject initially to juvenile court authority even if tried as adults in criminal court. Because less than 1% of the jail population were juveniles, caution must be used in interpreting any changes over time.

Sampling error

National estimates have an associated sampling error (standard error) because jurisdictions with an average daily population of less than 100 were sampled for the survey. Estimates based on a sample survey are apt to differ somewhat from the results of a survey canvassing all jurisdictions. Each of the samples that could have been selected using the same sample design could yield somewhat different results. Standard error is a measure of the variation among the estimates from all possible samples, stating the precision with which an estimate from a particular sample approximates the average result of all possible samples. The estimated relative sampling error for the total inmate population of 426,479 on June 28, 1991, was .50%, meaning that the reported total number of inmates may have varied by as much as 2,151 from the average result of all possible samples.

Results presented in this Bulletin were tested to determine whether or not statistical significance could be associated with observed differences between values. Differences were tested to ascertain whether they were significant at 1.96 standard errors (the 95-percent confidence level) or higher. Differences mentioned in the text meet or exceed this 95-percent confidence level. (See appendix table 2.)

Measures of population

Two measures of inmate population are used: the *average daily population* for the year ending June 28 and the *inmate count* on June 28 of each year. The average daily inmate population balances out any extraordinary events that may render the 1-day count atypical. The 1-day count is useful because some characteristics of the inmate population — such as race, ethnicity, and detention status — can be obtained for a specific date, but may not be available on an annual basis.

All calculations in this report involving general population figures used unpublished data from the Bureau of the Census projections of the population for July 1, 1991.

Population movement

Admission and release data include an unknown number of intrasystem transfers within jail jurisdictions. Some jurisdictions do not distinguish new bookings or formal discharges from entries and removals due to temporary absences from jail facilities. These temporary absences include court appearances, medical appointments, work release, substance abuse treatment or counseling, and other authorized absences.

Juveniles

State statutes and judicial practices allow juveniles to be incarcerated in adult jails and prisons under a variety of circumstances. *Juveniles* are persons who are defined by State statute as being under a certain age, usually 18 years, and who are initially subject to juvenile court authority even if tried as adults in criminal court. The Juvenile Justice and Delinquency Prevention Act of 1974 requires sight and sound separation from adults for those juveniles not tried as adults in criminal court but held in adult jails. A 1980 amendment to that 1974 act requires the removal of juveniles from local jails, except those juveniles who are tried as adults for criminal felonies. The proportion of juveniles who were housed in adult jails in accordance with these guidelines is not available.

Appendix table 2. Standard error estimates			
Characteristic	Estimate	Standard error	Relative standard error percent
Total rated capacity	421,971	2,522	0.60%
Average daily population			
All inmates	423,512	1,975	0.47%
One-day count, 6/28/91			
All inmates	427,327	2,151	0.50%
Adults	424,977	2,140	0.50
Males	385,428	1,959	0.51
Females	39,549	326	0.82
Juveniles	2,350	161	6.86
Adult inmate status, 6/28/91			
Unconvicted	217,883	1,430	0.66%
Convicted	207,094	1,696	0.82
Race and Hispanic-origin			
White non-Hispanic			
Adults	172,789	1,782	1.03%
Juveniles	902	85	9.38
Black non-Hispanic			
Adults	183,142	1,648	0.90%
Juveniles	1,152	43	3.73
Hispanic			
Adults	60,021	570	0.95%
Juveniles	122	10	7.80
Other			
Adults	5,217	319	6.12%
Juveniles	174	117	67.10
Inmate population movement, July 1, 1990 - June 28, 1991			
Admissions	10,283,913	187,512	1.82%
Releases	9,946,409	147,543	1.48

Acknowledgements. This report was written by Louis W. Jankowski, under the supervision of Allen J. Beck. Corrections statistics are prepared under the general direction of Lawrence A. Greenfeld. Tom Hester edited the report, and James Stephan provided statistical review. Marilyn Marbrook administered production, assisted by Betty Sherman, Jayne Pugh, and Yvonne Boston. Collection and processing of the 1991 Jail Survey were conducted by Lisa McNelis, Betty Ford, Ellen Rhodes, Martha Greene, Linda Huang, and Dawn Crawford under the supervision of Diana Cull, U.S. Bureau of the Census.

June 1992, NCJ-134726

The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

Data used in this report will be available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets will be archived as the Sample Survey of Jails.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS
To: AG. (THRU OJP/GURULE)
Date Received: 06-11-92 Date Due: NONE Control #: X92061109003
Subject & Date
06-09-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULED FOR JUNE 14, 1992, REGARDING
OFFENDERS SENTENCED UNDER THE FEDERAL SENTENCING GUIDELINES.
A COPY OF THE RELEASE HAS BEEN TRANSMITTED TO PAO, WHERE IT
IS UNDER REVIEW.

Referred To:	Date:	Referred To:	Date:	
(1) OAG;	06-11-92	(5)		W/IN:
(2)		(6)		
(3)		(7)		PRTY:
(4)		(8)		1
INTERIM BY:		DATE:		OPR:
Sig. For: NONE		Date Released:		EHZ

Remarks
CC INDICATED FOR OLS.
INFO CC: DAG, OPC.
(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:
KMM 6/11/92
FILE: PRESS RELEASES/NON-PAO

CROSS REFERENCES:
1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

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DEPARTMENT OF JUSTICE

JUN - 9 1992

'92 JUN 11 A11:29

EXECUTIVE SECRETARIAT

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Federal Sentencing 1986-1990

Attached for your information is a Bureau of Justice Statistics news release scheduled for June 14 that says offenders sentenced under the federal sentencing guidelines are more likely to go to prison and to stay there longer than were offenders sentenced for crimes committed before the guidelines took effect in November 1987. In 1990 about 74 percent of the defendants sentenced under the Sentencing Reform Act of 1984 were sent to prison, compared to about 53 percent of the pre-guideline defendants sentenced in 1986.

The advent of federal sentencing guidelines has accompanied a substantial increase in the probability of imprisonment for a large number of crimes. In 1986 about 77 percent of those convicted of drug crimes received prison terms. By 1990 approximately 89 percent of drug offenders sentenced under the guidelines received prison terms.

The study notes that for certain categories of crime, such as drug law violations, violent crimes, and crimes involving the use of firearms, Congress passed mandatory minimum sentencing laws during the years in which the guidelines were being implemented. Such laws also would have affected the probability of receiving a prison sentence for these types of offenders.

However, among offenders convicted of offenses other than those for which mandatory minimum sentences were enacted, the

likelihood of a prison sentence also increased. Among those convicted of regulatory crimes, for example, 34 percent had received a prison sentence in 1986 compared to almost 50 percent of those sentenced in 1990.

The report points out that the guidelines structure federal sentencing, giving specific values to the seriousness of the offense and to the defendant's prior criminal history. In addition, the time to be served in prison closely approximates the judge's sentence because the Sentencing Reform Act also ended early release on parole. Consequently, average maximum sentences imposed under the guidelines are often shorter than the average sentences offenders received before the guidelines were implemented.

During 1989 sentences for violent crimes under the guidelines averaged 83 months, compared to 132 months for pre-guideline sentences in 1986. Sentences for property crimes during 1989 under the guidelines averaged 16 months, whereas pre-guidelines sentences in 1986 averaged 34 months.

Drug offenses are a different matter, however. The report said that beginning in 1984 and every two years thereafter, Congress enacted laws that mandated minimum prison terms for defendants convicted of drug offenses or violent crimes. The average sentence for drug offenses increased from 62 months during 1986 to 71 months for guideline sentences during 1989.

Drug offenders sentenced to prison under the guidelines in 1990 were expected to serve 5½ years before release, more than twice the average amount drug offenders had served before release during 1986.

Between 1980 and 1990 the number of drug offenders convicted in federal courts more than doubled, and convicted drug traffickers' chances of going to prison increased from 77 percent in 1980 to more than 90 percent in 1990.

Although the Sentencing Reform Act abolished release from prison by a parole board decision, the Sentencing Commission enabled judges to sentence offenders to prison terms followed by a specific period of post-release supervision. During the first six months of 1990 about 69 percent of the offenders sentenced under the guidelines were given post-release supervision terms averaging 42 months.

The guidelines took effect on November 1, 1987, and each year after that date an increasing percentage of offenders were sentenced under their provisions. During 1988, 17 percent of the convicted offenders were sentenced under the guidelines, compared to 51 percent of the 1989 defendants and 65 percent of the 1990 defendants. Other study findings, including those about sentences for crimes that occurred either before or after the guidelines, revealed the following:

--The percentage of convicted federal offenders sent to prison rose from 53 percent in 1986 to 60 percent during the first six months of 1990.

--Federal prisoners released in 1990 served an average of 19 months, which was 75 percent of their court-imposed sentences and 29 percent longer than the average term served by prisoners released in 1986.

--In 1986 approximately 63 percent of all federal sentences included probation supervision in the community, compared to 44 percent during the first six months of 1990.

Female prisoners generally served shorter terms than did males, primarily because they were convicted of less serious offenses and tended to have fewer prior convictions.

For most offense categories the offenders' race or ethnicity was unrelated to the length of time served. Among drug offenders, non-citizens served slightly longer sentences than did U.S. citizens.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, JUNE 14, 1992

BJS
202-307-0784

FEDERAL PRISON TERMS INCREASING UNDER SENTENCING GUIDELINES

WASHINGTON, D.C. -- Offenders sentenced under the federal sentencing guidelines are more likely to go to prison and to stay there longer than were offenders sentenced for crimes committed before the guidelines took effect in November 1987, the Bureau of Justice Statistics (BJS) said today. BJS, a Department of Justice component in the Office of Justice Programs, said that in 1990 about 74 percent of the defendants sentenced under the Sentencing Reform Act of 1984 were sent to prison, compared to about 53 percent of the pre-guideline defendants sentenced in 1986.

"The advent of federal sentencing guidelines has accompanied a substantial increase in the probability of imprisonment for a large number of crimes," commented BJS director Steven D. Dillingham. "In 1986 about 77 percent of those convicted of drug crimes received prison terms. By 1990 approximately 89 percent

-MORE-

of drug offenders sentenced under the guidelines received prison terms."

The study notes that for certain categories of crime, such as drug law violations, violent crimes, and crimes involving the use of firearms, Congress passed mandatory minimum sentencing laws during the years in which the guidelines were being implemented. Such laws also would have affected the probability of receiving a prison sentence for these types of offenders.

However, among offenders convicted of offenses other than those for which mandatory minimum sentences were enacted, the likelihood of a prison sentence also increased. Among those convicted of regulatory crimes, for example, 34 percent had received a prison sentence in 1986 compared to almost 50 percent of those sentenced in 1990.

BJS noted that the guidelines structure federal sentencing, giving specific values to the seriousness of the offense and to the defendant's prior criminal history. In addition, the time to be served in prison closely approximates the judge's sentence because the Sentencing Reform Act also ended early release on parole. Consequently, average maximum sentences imposed under the guidelines are often shorter than the average sentences offenders received before the guidelines were implemented.

During 1989 sentences for violent crimes under the

guidelines averaged 83 months, compared to 132 months for pre-guideline sentences in 1986. Sentences for property crimes during 1989 under the guidelines averaged 16 months, whereas pre-guidelines sentences in 1986 averaged 34 months.

Drug offenses are a different matter, however. BJS noted that beginning in 1984 and every two years thereafter, Congress enacted laws that mandated minimum prison terms for defendants convicted of drug offenses or violent crimes. The average sentence for drug offenses increased from 62 months during 1986 to 71 months for guideline sentences during 1989.

Drug offenders sentenced to prison under the guidelines in 1990 were expected to serve 5½ years before release, more than twice the average amount drug offenders had served before release during 1986.

Between 1980 and 1990 the number of drug offenders convicted in federal courts more than doubled, and convicted drug traffickers' chances of going to prison increased from 77 percent in 1980 to more than 90 percent in 1990.

Although the Sentencing Reform Act abolished release from prison by a parole board decision, the Sentencing Commission enabled judges to sentence offenders to prison terms followed by a specific period of post-release supervision. During the first six months of 1990 about 69 percent of the offenders sentenced

-MORE-

under the guidelines were given post-release supervision terms averaging 42 months.

The guidelines took effect on November 1, 1987, and each year after that date an increasing percentage of offenders were sentenced under their provisions. During 1988, 17 percent of the convicted offenders were sentenced under the guidelines, compared to 51 percent of the 1989 defendants and 65 percent of the 1990 defendants. Other study findings, including those about sentences for crimes that occurred either before or after the guidelines, revealed the following:

--The percentage of convicted federal offenders sent to prison rose from 53 percent in 1986 to 60 percent during the first six months of 1990.

--Federal prisoners released in 1990 served an average of 19 months, which was 75 percent of their court-imposed sentences and 29 percent longer than the average term served by prisoners released in 1986.

--In 1986 approximately 63 percent of all federal sentences included probation supervision in the community, compared to 44 percent during the first six months of 1990.

Female prisoners generally served shorter terms than did males, primarily because they were convicted of less serious offenses and tended to have fewer prior convictions.

For most offense categories the offenders' race or ethnicity

-MORE-

was unrelated to the length of time served. Among drug offenders, non-citizens served slightly longer sentences than did U.S. citizens.

Single copies of the special report, "Federal Sentencing in Transition, 1986-90" (NCJ-134727) as well as other BJS publications and data may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs & Crime Data Center & Clearinghouse on 1-800-666-3332.

#



Bureau of Justice Statistics Special Report

Federal Offenses and Offenders

Federal Sentencing in Transition, 1986-90

By
Douglas C. McDonald
Kenneth E. Carlson
Abt Associates Inc.

Federal sentencing practices changed substantially during the last half of the 1980's. Before the 1986 and 1988 anti-drug abuse laws that stiffened sanctions, the Sentencing Reform Act of 1984 ("the Act") had already set in motion alterations of Federal practices. Among other reforms, the Act established the U.S. Sentencing Commission to develop guidelines, which scale punishments to the gravity of the offense and the offender's criminal record. The guidelines apply to Federal prisoners who committed their crimes on or after November 1, 1987.

Under the guidelines Federal prisoners are no longer released from prison to parole by the U.S. Parole Commission. Instead, judges impose prison sentences that are served in full, except for time off that prisoners earn for good behavior. Offenders are supervised following their release from prison only if a judge requires it as a part of the sentence.

Cases subject to the Act ("guideline cases") began to appear in appreciable numbers in 1988, the year after the guidelines went into effect. During 1988, 17% of the offenders convicted in Federal district courts were guideline cases.¹ In 1989 the proportion increased to 51%, and in 1990, to 65%. This report summarizes

¹ See *Methodology*, page 10, for a discussion of which cases were included as guideline cases.

June 1992

The Sentencing Reform Act of 1984 introduced "truth in sentencing" to the Federal justice system. The act created a commission that specified sentencing guidelines, which went into effect in late 1987. Defendants convicted for crimes committed after the guidelines serve the actual amount of the sentence, minus a brief "good time" to enable authorities to manage inmates more easily. The guidelines take into account the gravity of the crime and the offender's criminal record. Released prisoners no longer serve time on parole unless judges expressly sentence them to supervision in the community.

This report on sentencing and time served is the first analysis of these issues by the Federal Justice Statistics Program since the guidelines began. It clearly traces changes in sentencing patterns and suggests how time served in prison and supervision after incarceration may be affected.

Steven D. Dillingham, Ph.D.
Director

The main findings include:

- The percentage of convicted Federal offenders receiving a prison sentence, which may have included a period of probation, rose from 53% during 1986 to 60% in the first half of 1990.
- Offenders sentenced under the sentencing guidelines were more likely to go to prison than those sentenced before the guidelines went into effect: 74% of the guideline cases in 1990, compared to 53% of the pre-guideline cases in 1987.
- The number and percentage of Federal offenders sentenced to prison increased primarily after 1988. Among those sentenced in Federal district courts, the increased number of drug offenders accounted for most of the increase in sentences to prison.
- The average length of Federal sentences to incarceration decreased between 1986 and 1990 for crimes other than drug offenses. However, because offenders sentenced under the provisions of the Act are not eligible for release on parole, the more recently committed offenders were likely to be incarcerated longer than their predecessors.
- The use of probation sentences decreased from 63% in 1986 to 44% in the first half of 1990.
- Federal prisoners first released in 1990 served an average of 19 months (75% of their court-imposed sentences). This was 29% longer than the average term served by prisoners first released in 1986.

the main trends in Federal sentencing. It compares sentences imposed before the Act in 1986-87 with those imposed between January 1988 and June 1990, when guideline cases accounted for larger numbers. The report also examines time actually served by offenders released from Federal prison between 1986 and 1990.

The Sentencing Reform Act of 1984

The Sentencing Reform Act of 1984 (Public Law 98-473, 98 Stat. 1837 (1984)), called "the Act" in this report, established the U.S. Sentencing Commission that had as one of its essential tasks the development of sentencing guidelines. This reform sought to reduce unwarranted disparities between the sentences imposed and the time in prison actually served.² The guidelines which the commission issued took effect on November 1, 1987, and applied to Federal offenses committed on that day or later. Sentencing of offenders convicted of crimes committed before that date was governed by the laws applicable before the Act's passage (called the "old law").

The report describes sentencing patterns which occurred during 1986-90. A variety of changes in criminal statutes, as well as shifts in prosecutorial priorities and composition of the offender pool, occurred during this period. Therefore, changes in sentencing patterns may not necessarily

²U.S. Sentencing Commission, *Supplementary Report on the Initial Sentencing Guidelines and Policy Statements* (Washington, D.C.: June 18, 1987).

reflect the impact of any particular factor such as the guidelines or provisions of the Act.

Persons sentenced to prison

The number of persons convicted in Federal district courts increased from 43,920 in 1986 to at least 48,730 in 1990 — an average annual increase of about 2.8%.³ Although this growth in the number of convictions had slowed from the 7.4% average annual rate for the period of 1980 to 1985, the likelihood of being sentenced to incarceration rose, from 53% in 1986 to 60% in 1990 (table 1).

The likelihood of receiving a sentence to prison varied according to offense category. Violent offenders were somewhat more likely to be incarcerated in 1990 than in 1986: 88% in 1990, compared to 83% in 1986. Convicted drug offenders were more likely in 1990 than in 1986 to receive a prison sentence — 86%, compared to

³*Federal Criminal Case Processing, 1980-89, with Preliminary Data for 1990*, BJS report, NCJ-130526, October 1991, table 9. Figures for 1990 are preliminary.

77%. The likelihood of incarceration increased slightly for public-order offenders (37% to 43%), and remained unchanged for property offenders (43% in 1986 and 1990).

As the number of convictions and the likelihood of being sentenced to prison increased, a substantially greater number of Federal offenders was sentenced to prison (table 2). From 1986 through 1988, the number of Federal offenders sentenced to prison remained between 23,000 and 23,600 per year. In 1989, the number increased to 27,377, and in 1990, to approximately 29,400.

This 1986-90 increase resulted largely from the growing number of persons sentenced to prison for drug offenses. The number of Federal drug offenders sentenced to prison rose 48%, while the number of persons sentenced to prison for all other types of crimes grew an average of 14%. By 1990 drug offenders accounted for nearly half (47%) of all persons sentenced to prison from Federal district courts, up from 40% in 1986 and 27% in 1980.

Table 1. Offenders convicted in cases terminated in U.S. district court: Number and percent sentenced to prison, by year and offense, 1986-89 and preliminary 1990

Most serious offense at conviction	Number of convicted offenders who were sentenced to prison					Percent of convicted offenders who were sentenced to prison ^a				
	1986	1987	1988	1989	Preliminary 1990 ^b	1986	1987	1988	1989	Preliminary 1990 ^b
All offenses ^c	23,058	23,579	23,450	27,377	29,430	52.5%	53.0%	53.8%	58.5%	60.4%
Violent offenses	1,813	1,837	1,733	1,892	1,999	82.7	82.0	81.0	86.8	87.6
Property offenses	6,291	6,234	5,723	5,974	5,775	43.2	43.4	42.6	44.1	43.1
Fraudulent offenses	4,416	4,610	4,182	4,400	4,391	42.0	44.1	43.6	44.4	44.0
Other property offenses	1,875	1,624	1,541	1,574	1,384	46.6	41.6	40.0	43.3	40.5
Drug offenses	9,272	10,196	10,599	13,306	13,754	77.3	75.9	79.2	84.2	85.6
Public-order offenses	5,682	5,312	5,395	6,194	6,427	37.4	36.6	37.0	40.6	43.2
Regulatory offenses	688	601	640	746	757	34.2	32.5	32.6	36.9	38.3
Other public-order offenses	4,994	4,711	4,755	5,448	5,670	37.9	37.2	37.7	41.2	43.9

^aIncludes sentences to prison with or without probation.

^bSee *Methodology*, page 10.

^cTotal may include offenders for whom offense category could not be determined, but excludes offenders for whom sentence category could not be determined.

Comparing pre-guideline and guideline cases

Length of sentences to prison

Between 1986 and 1990, the average length of imposed prison sentences decreased substantially for nearly all types of crimes (table 2). The average sentence to prison for all violent crimes was 32% less in 1990 than in 1986: 90 months in 1990 compared to 132 months in 1986. Sentences to prison for property offenses were 35% shorter, and for public-order offenses, 25% shorter.

Part of the reason for the shorter average sentence was that progressively larger proportions of cases during the period were subject to the Act. Despite this downward trend, the overall average length of prison sentences given to all Federal offenders increased from 53 months in 1986 to 57 months in 1990. This increase resulted from the longer sentences given to drug traffickers outweighing the decline

in sentences imposed on others. In 1986 the average prison sentence for drug trafficking was 64 months, and in 1990 it was 84 months.⁴

Likelihood of offenders going to prison

Offenders sentenced under the guidelines during 1988, 1989, and the first 6 months of 1990 were more likely, on the whole, to be sentenced to prison than were offenders sentenced during 1986 and 1987 under the old law (table 3). In 1986, 52% of all offenders sentenced under the old law were given incarceration terms, as were 58% of those sentenced during 1987. In the following year, 77% of all guideline cases resulted in incarceration sentences. The proportion remained constant in 1989, and decreased slightly to 74% during the first half of 1990.

⁴Federal Criminal Case Processing, 1980-89, with Preliminary Data for 1990, table 17. The category for drug offenses in table 2 of this report includes a small number of offenders convicted of drug possession or other drug crimes. The average prison sentence for possession in 1986 was 41 months and in 1990 was 13 months.

Within all offense categories, offenders sentenced under the guidelines were more likely to be sentenced to prison than those receiving pre-guideline sentences. During 1986 and 1987, 82% of those convicted of violent crimes were sentenced to incarceration; 91% to 92% of violent offenders were sentenced to prison in guideline cases disposed in 1988-90. Of offenders convicted of Federal drug crimes in 1986 and 1987 under the old law, more than 75% received sentences to prison; under the Act, those rates rose to around 86% to 90%.

Persons charged with public-order offenses — regulatory, weapons, racketeering, or immigration offenses and tax law violations — were more likely to be given prison terms after the guidelines went to effect. During 1986-87, 37% of convicted public-order offenders received prison sentences; from 1988 through the first half of 1990, about 71% to 75% of these offenders were incarcerated (table 3).

Not all of these changes can be attributed to the sentencing guidelines. Beginning in 1984, and every 2 years thereafter, Congress enacted laws that mandated minimum imprisonment terms for offenders convicted of drug or violent crimes. Although over 60 statutes in the Federal Criminal Code prescribe mandatory minimum penalties for Federal offenses, nearly all mandatory prison sentences imposed (94% during 1984-90) were for drug-law and weapons violations specified in 4 statutes.⁵ Because a growing proportion of offenders sentenced after 1984 had violated these statutes, some of the increased rate of sentencing to prison, especially for drug crimes, resulted from these mandatory sentencing provisions rather than the guidelines alone.

For all offenses other than Federal drug crimes, the guidelines brought shorter maximum imprisonment sentences, on average. For example, the average sentence for violent offenses decreased from 132 months in 1986 and 126 months

⁵U.S. Sentencing Commission, *Mandatory Minimum Penalties in the Federal Criminal Justice System* (Washington, D.C., August, 1991) p. 10.

Table 2. Offenders convicted in cases terminated in U.S. district court: Average length of sentence to prison, by year and offense, 1986-89 and preliminary 1990

Most serious offense at conviction	Average length of sentence to prison				Preliminary 1990 ^a
	1986	1987	1988	1989	
All offenses ^b	52.7 mos.	55.2 mos.	55.1 mos.	54.5 mos.	57.4 mos.
Violent offenses	132.0	126.2	110.7	90.6	89.8
Property offenses	34.3	32.5	31.5	26.0	22.3
Fraudulent offenses	32.8	31.1	31.0	26.1	22.3
Other property offenses	37.9	36.5	32.7	25.7	22.5
Drug offenses	62.2	67.8	71.3	74.9	81.2
Public-order offenses	36.9	35.5	30.7	27.6	27.7
Regulatory offenses	47.2	42.1	30.4	24.0	26.3
Other public-order offenses	30.8	32.2	30.7	28.1	27.8

^aIncludes preliminary count of all cases terminated during 1990.

^bTotal may include offenders for whom offense category could not be determined.

Table 3. Offenders sentenced to Federal prison: Pre-guideline and guideline cases, by year and offense, 1986-89 and the first half of 1990

Most serious offense at conviction	Percent of convicted offenders who were sentenced to prison ^a				
	Pre-guideline		Guideline		
	1986	1987	1988	1989	1990 ^b
All offenses	52.5%	53.0%	76.5%	76.9%	73.6%
Violent offenses	82.7	82.0	91.0	92.3	91.8
Property offenses	43.2	43.4	53.8	53.3	46.7
Fraudulent offenses	42.0	44.1	60.4	54.0	46.2
Other property	46.6	41.6	43.6	51.8	48.0
Drug offenses	77.3	75.9	85.8	89.5	89.0
Public-order offenses	37.4	36.6	74.7	71.2	71.4
Regulatory offenses	34.2	32.5	42.0	48.6	49.5

Note: Data for "other public-order" were not available because certain offenses included in that category are not covered by the guidelines. Overall, whether cases were subject to the Sentencing Reform Act of 1984 could not be determined for 1,571 in 1988; 585 in 1989; and 113 in 1990.

^aIncludes sentences to prison with or without probation.

^bIncludes only cases terminated January 1 through June 30, 1990.

in 1987 to 63-87 months in 1988-90. Under provisions of the Act, judges were to impose sentences to be served in full, minus a small amount of good-time credits that offenders could receive for good behavior.⁶ For most offenses, the guidelines were designed to approximate the

⁶Such credits are accumulated at the maximum rate of 54 days per year for all persons serving imprisonment terms longer than 12 months.

time that prisoners actually served in confinement under the old law.⁷

Sentences for Federal drug offenders departed from the pattern for other types of offenders. Drug offenders convicted under the guidelines received a longer, not

⁷Michael K. Block and William M. Rhodes, "The impact of the Federal sentencing guidelines," *NIJ Reports* (Sept./Oct. 1987) 205, p. 2.

shorter, prison sentence on average: from 62 months in 1986 and 68 months in 1987 (pre-guideline), to 71 months in 1989 and 77 months in the first half of 1990. (See the box on this page.)

Sentences to probation

From 1986 through the first half of 1990, the proportion of offenders sentenced to probation (whether combined with prison terms or not) declined from 63% to 44% (table 5).⁸ The sharpest decrease occurred after 1988 and was especially pronounced for offenders convicted of violent or drug crimes. In 1988, 33% of violent criminals were sentenced to some type of probation sentence; in 1990, 19%. Over the same span of time, the percentage of convicted drug offenders sentenced to probation went from 30% to 17%.

The proportion of all offenders sentenced to "straight" probation, without any term of confinement, changed relatively little for the population as a whole from 1986 to

⁸The offenders include only those sentenced by the Federal district courts, excluding magistrates.

Table 4. Average sentences to Federal prison: Pre-guideline and guideline cases, by year and offense, 1986-89 and the first half of 1990

Most serious offense at conviction	Average length of imposed prison sentences				
	Pre-guideline		Guideline ^a		
	1986	1987 ^b	1988	1989	1990 ^c
All offenses	52.7 mos.	55.2 mos.	42.1 mos.	53.1 mos.	56.9 mos.
Violent offenses	132.0	126.2	63.0	83.2	86.7
Property offenses	34.3	32.5	14.5	15.5	16.4
Fraudulent offenses	32.8	31.1	13.1	13.3	13.4
Other property	37.9	36.5	17.7	20.5	23.5
Drug offenses	62.2	67.8	56.8	70.7	77.4
Public-order offenses	36.9	35.5	19.0	24.7	26.1
Regulatory offenses	47.2	42.1	23.4	22.3	21.1
Other public-order	30.8	32.2	18.6	25.0	26.8

Note: The number of cases missing guideline designation in 1988 was 1,256; in 1989, 452; and in 1990, 95.

^aExcludes nonguideline cases in 1988-90. See table 2 for average sentences of all cases.

^bIncludes a small number of cases sentenced under guidelines.

^cIncludes only cases terminated between January 1 and June 30, 1990.

Sentences Imposed on offenders of Federal drug laws and the prison time the offenders serve

Congress and the Federal criminal justice system have placed a high priority on the enforcement of the Federal drug laws. This emphasis is evident in prosecution and sentencing patterns, as well as time served in prison. Between 1980 and 1990, the number of drug law offenders convicted in Federal district courts more than doubled, while the number of nondrug convictions increased by 32%. The proportion of convicted offenders sentenced to incarceration for drug crimes also rose over this period, from 72% in 1980, to 77% in 1986, to 86% in 1990. For drug traffickers, the likelihood of imprisonment increased from 77% in 1980 to 83% in 1986, and to 91% in 1990.*

*Federal Criminal Case Processing, 1980-1989, with Preliminary Data for 1990, NCJ-130526.

The length of imposed incarceration sentences increased even more dramatically. The average sentence imposed on those convicted of drug crimes in 1980 was 47 months. By 1986, the average had risen to 62 months, and by 1990, to 84 months.

The 1986 and 1988 anti-drug abuse laws prescribed stiffer sentencing and mandatory minimum incarceration terms for Federal drug law offenders, especially traffickers. The combined effect of these laws and the sentencing guidelines has been to increase the length of incarceration sentences actually served by offenders.

Drug law offenders sentenced during 1990 under the guidelines will serve at least 66 months in prison, on average, and perhaps even more if they lose

good-time credits for not complying with prison regulations. This represents a sharp increase in time served. Drug offenders released from Federal prison in 1986 served an average of 22 months; those released in 1990 served 30 months, on average.

The courts are also imposing terms of supervised release on most drug law offenders sentenced under the guidelines. During the first half of 1990, 87% of all offenders sentenced for Federal drug crimes were required to be supervised upon release from prison. Ninety-one percent of those convicted of trafficking offenses were so required. The average number of months to be served was 49 for all drug offenders combined, and 50 months for those convicted of trafficking.

1990. In 1986, 44% of all offenders were given straight probation sentences; in the first half of 1990, the proportion had declined to 38%.

A more dramatic change characterized the use of probation sentences in combination with incarceration in guideline cases. Whereas about a third of all offenders convicted of violent crimes received some kind of sentence to probation in the pre-guideline 1986-87 period, the proportion declined to less than a tenth of guideline cases sentenced for violent offenses during the first 6 months of 1990 (table 6).

Similar large declines occurred for sentences to probation for drug offenders (from 40% in 1986 and 35% in 1987 to 11% in 1990) and public-order offenders (from 68% in 1986 and 72% in 1987 to 28% in 1990). The decline in the percentage of property offenders sentenced to probation was somewhat less, from 76% and 79% in 1986-87 to 57% in 1990. This reduced frequency of sentences to probation reflects in part change in Federal law. The Act prohibited judges from sentencing to both prison and probation except when the guidelines recommend imprisonment of at least 1 month but not more than 6.

Time served in prison

Most of the prisoners released during 1986-90 were sentenced to prison under the laws in force before the Act's provisions took effect. Consequently, the U.S. Parole Commission determined the time of their release. After the U.S. Sentencing Commission promulgated its guidelines, the Parole Commission adopted release policies that reflected the sanctions recommended by the guidelines. The discussion that follows describes the time served by prisoners released under this transitional policy.

Table 5. Offenders sentenced to Federal probation: Type of sentence, by year and offense, 1986-89 and the first half of 1990

Most serious offense at conviction	Percent of offenders sentenced to:									
	Any probation ^a					Straight probation only				
	1986	1987	1988	1989	1990 ^b	1986	1987	1988	1989	1990 ^b
All offenses	62.5%	56.9%	54.6%	45.7%	43.9%	44.4%	38.5%	40.1%	37.3%	37.5%
Violent offenses	34.9	33.3	32.9	21.3	19.0	19.9	18.5	20.8	16.5	15.5
Property offenses	75.8	73.0	72.9	65.5	65.8	55.4	50.6	52.6	52.4	55.0
Fraudulent offenses	78.8	76.1	75.7	68.1	67.3	57.6	51.9	53.3	53.4	55.2
Other property offenses	68.0	65.1	65.5	58.6	61.7	49.7	47.0	50.6	49.6	54.5
Drug offenses	40.0	35.3	29.6	19.5	16.8	22.4	19.4	19.3	15.1	14.2
Public-order offenses	72.2	68.4	65.9	60.3	58.4	55.5	51.0	52.5	51.3	51.2
Regulatory offenses	77.7	76.1	74.0	68.7	67.3	63.8	60.6	61.7	60.2	60.6
Other public-order offenses	71.2	67.0	64.4	58.8	56.8	53.9	49.1	50.7	49.7	49.6
Number of offenders sentenced to probation	26,236	26,015	23,659	20,488	9,513	18,621	17,614	17,375	16,728	8,124

^aIncludes straight probation and any combination of incarceration with probation.

^bIncludes only cases terminated between January 1 and June 30, 1990.

Table 6. Offenders sentenced to any type of Federal probation: Pre-guideline and guideline cases, by year and offense, 1986-89 and the first half of 1990

Most serious offense at conviction	Percent of offenders sentenced to probation ^a				
	Pre-guideline		Guideline ^b		
	1986	1987	1988	1989	1990 ^c
Violent offenses	35%	33%	16%	9%	9%
Property offenses	76	73	49	47	56
Fraudulent offenses	79	76	46	48	57
Other property offenses	68	65	54	46	53
Drug offenses	40	35	16	11	11
Public-order offenses	72	68	29	11	28
Regulatory offenses	78	76	61	52	52
Number of offenders sentenced to probation	26,236	26,007	1,884	5,410	3,821

Note: Data for "other public-order" were not available because certain offenses included in that category are not covered by the guidelines.

^aIncludes straight, mixed, and split probation sentences.

^bExcludes nonguideline cases in 1988-90.

In calendar year 1990 Federal offenders who were released from prison for the first time on a sentence imposed in a U.S. district court had served an average (mean) of 19 months, which amounted to 75% of the court-imposed sentence (table 7).

Prisoners sentenced for violent offenses served an average time of more than 4 years, substantially longer than offenders

sentenced for property, drug, or public-order crimes. Convicted murderers who were released served an average of over 7 years. Kidnapers served an average of more than 8 years.

While violent offenders served longer in prison than other Federal offenders, on average they served smaller fractions of

their sentences in prison. Overall, violent offenders were released from prison after serving less than two-thirds of their maximum sentences; murderers and kidnapers were released after serving about half of their sentences.

When offenders are categorized by length of sentence imposed, within each category violent offenders spent slightly longer in prison than offenders convicted of other kinds of offenses (table 8). For example, violent offenders who were sentenced to a maximum prison term of 2 years served an average of 23 months before release, while other offenders with the same maximum sentence served about 10% less, 18 to 21 months.

On average, prisoners sentenced to less than 1 year served nearly all of their terms. A few exceeded their initial terms because they received sentences for crimes committed while in prison or for convictions following the original sentence. Those with 2-year sentences served 83% of the imposed term, those with 3-year sentences served 72%, and those with terms of 8 years served 53% of the imposed term. Persons sentenced to 10 years served an average of 48% of the maximum term imposed.⁹

⁹These numbers may differ from those reported by the Bureau of Prisons because they refer only to first releases of prisoners sentenced in Federal district courts for violations of the U.S. Code. The Bureau of Prisons typically counts all persons in its custody, including those returned to its custody for probation and parole violations, as well as some State, military, and District of Columbia prisoners.

Table 7. Prisoners released from Federal prison in 1990: Average time served to first release and percent of sentence served, by offense

Most serious offense at conviction ^a	Number of prisoners released	Average time served ^c	Percent of sentence served ^b
All offenses^b	25,591	19.2 mos.	75.0%
Violent offenses	1,458	54.2 mos.	64.8%
Murder	43	92.3	53.2
Negligent manslaughter	28	23.0	78.4
Assault	401	45.0	69.1
Robbery	826	58.4	62.2
Rape	19	64.6	51.8
Other sex offenses	87	34.0	72.3
Kidnapping	31	106.3	50.5
Threats against the President	23	25.8	89.2
Property offenses	5,354	16.3 mos.	76.2%
Fraudulent property	3,899	15.1	76.7
Embezzlement	400	11.6	82.9
Fraud	2,797	15.2	76.0
Forgery	323	14.6	73.5
Counterfeiting	379	19.0	78.0
Other property	1,455	19.6 mos.	74.8%
Burglary	79	27.2	73.3
Larceny	867	16.8	77.0
Motor vehicle theft	204	22.6	69.1
Arson	39	38.8	66.8
Transportation of stolen property	168	28.3	68.7
Other	98	8.5	82.0
Drug offenses	7,685	29.7 mos.	67.6%
Trafficking	7,279	30.7	66.6
Possession and other	394	10.6	87.7
Public-order offenses	10,899	8.6 mos.	81.0%
Regulatory offenses	477	18.2	78.7
Weapons	1,192	20.9	78.6
Immigration offenses	7,329	4.1	82.0
Tax law violations	449	12.0	73.1
Bribery	79	11.5	78.5
Perjury	67	13.2	80.2
National defense	24	20.7	83.6
Escape	157	18.4	92.8
Racketeering and extortion	475	31.2	64.3
Gambling	2	8.3	86.6
Liquor	2	11.2	91.7
Mail or transport of obscene materials	69	24.8	75.7
Traffic offenses	434	2.0	91.6
Migratory birds	34	37.3	94.1
Other ^c	109	13.9	100.5

Note: Includes prisoners first released after serving terms imposed by Federal district courts.

^aExcludes prisoners with life sentences and others whose sentence could not be determined.

^bIncludes 195 prisoners whose offense category could not be determined.

^cAverage time served exceeded the average sentence because the sentence was the longest single sentence imposed but the time-served average includes time for all sentences.

Offender characteristics and time served

In general, offenders who were convicted at age 19 or 20 served shorter prison terms than offenders over age 20 (table 9). This difference may have reflected a number of separate factors. Younger offenders are less likely to have prior convictions, and for that reason judges may impose shorter sentences on them. The law also allows special sentences for some youthful offenders. Female prisoners

generally served shorter terms than males because they were convicted of less serious offenses and tended to have fewer prior convictions.

Among offenders convicted of drug offenses, foreign nationals served slightly longer sentences than U.S. citizens. In contrast, noncitizens served much shorter sentences than U.S. citizens for "other" public-order offenses, including immigration offenses. Foreigners can violate immigration laws simply by illegal entry,

whereas U.S. citizens convicted of immigration violations are often involved in more serious crimes.

For most offense categories, the race or ethnicity of offenders was unrelated to the length of time served (table 10). For assault, robbery, immigration offenses, and tax law violations, white prisoners served shorter prison terms than black offenders. In counterfeiting, theft of motor vehicles, regulatory offenses, and racketeering and extortion, black offenders served less time incarcerated than white prisoners. Hispanic offenders, who could be of any race, served prison terms similar to non-Hispanics in all categories except immigration law violations.

Table 8. Prisoners released from Federal prison in 1990: Average time served to first release, by offense and sentence length

Sentence imposed*	Average number of months served in prison						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraud	Other		Regulatory	Other
6 mos.	6 mos.	7 mos.	6 mos.	7 mos.	7 mos.	6 mos.	7 mos.
12	13	13	11	12	14	13	14
24	20	23	18	21	21	20	21
36	26	30	22	23	27	25	26
48	31	36	28	29	32	...	33
60	38	42	33	38	39	40	39
72	43	51	37	41	43	...	41
84	48	58	40	...	46	...	...
96	51	65	40	49	49	...	51
120	58	70	51	56	55	...	57

Note: Includes prisoners first released after serving terms imposed by Federal district courts. Excludes prisoners with life sentences and others whose sentence could not be determined, and prisoners for whom offense category could not be determined. The number of missing cases was 3,769.
... Fewer than 20 cases.

*Average time served exceeded the average sentence in some offense categories because "sentence imposed" refers to the longest single sentence imposed but time-served averages include time for all sentences.

Table 9. Prisoners released from Federal prison in 1990: Average time served to first release, by offense and offender characteristics

Offender characteristic	Average number of months served in prison					
	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
		Fraud	Other		Regulatory	Other
All offenders	54.2 mos.	5.1 mos.	19.6 mos.	29.7 mos.	18.2 mos.	8.1 mos.
Age						
19-2	40.7	9.3	12.4	21.3	...	3.5
21-30	56.4	13.6	17.5	26.8	18.8	6.0
31-40	52.9	15.5	20.3	30.6	18.4	10.1
Over 40	54.6	16.0	22.2	33.9	16.8	14.4
Sex						
Male	55.1	15.9	20.9	30.5	18.7	8.3
Female	39.0	11.2	11.8	23.2	13.3	6.2
Ethnicity						
Hispanic	52.9	12.0	20.8	32.3	16.2	4.7
Other	54.3	15.5	19.5	28.4	18.6	16.4
Nationality						
U.S.	55.5	15.7	19.8	27.7	19.0	16.6
Other	33.9	12.3	17.0	34.4	15.3	4.8

Note: Includes prisoners first released after serving terms imposed by Federal district courts. Includes prisoners with life sentences and others whose sentence could not be determined. Excludes prisoners for whom offense category could not be determined. The number of cases missing data on average time served in 1990 was 195.
... Fewer than 20 cases.

Table 10. Offenders released from Federal prisons in 1990: Average time served to first release, by race and selected offenses

Offense	Average number of months served in prison	
	White	Black
Violent offenses		
Assault	37.1 mos.	60.5 mos.
Robbery	55.6	65.0
Kidnaping	98.3	...
Property offenses		
Embezzlement	10.9 mos.	10.3 mos.
Fraud	14.5	14.5
Forgery	17.6	16.2
Counterfeiting	19.9	18.6
Burglary	24.7	25.4
Larceny	17.1	18.3
Motor vehicle theft	29.2	23.6
Arson	28.7	...
Transport stolen property	28.6	28.3
Other property	9.9	8.8
Drug offenses		
Possession	10.1 mos.	10.9 mos.
Trafficking	25.9	26.1
Public order offenses		
Regulatory offenses	19.2 mos.	17.6 mos.
Weapons	20.8	20.1
Immigration	4.8	10.6
Tax law	10.7	13.7
Bribery	10.7	...
Perjury	11.2	...
Escape	15.9	18.1
Racketeering and extortion	29.1	23.6
Mail or transport obscene material	13.4	...
Traffic	2.3	2.1
Migratory birds	2.7	...
Other	1.8	...

Note: Includes prisoners first released after serving terms imposed by Federal district courts. Excludes prisoners with life sentences and others whose sentence could not be determined. Excludes prisoners for whom offense category could not be determined. In 1990, 186 cases were missing race or offense of offender.
... Too few cases for reliable estimate.

Trends in time served

Offenders first released from prison in 1990 had served on average 29% more time than those released in 1984 (table 11). Although the time served in prison increased for every offense category, the largest increases were for regulatory offenses (from 13 months in 1984 to 18 months in 1990) and for drug offenses (from 22 months to more than 29 months). The proportion of the sentence served prior to first release from prison increased from 69% in 1984 to 75% in 1990 (table 12). Overall, and for most individual offenses, the percentage of sentence served increased the most in 1989 and

1990, as the earliest offenders sentenced under the provisions of the Act left prison. As mentioned above, these offenders were not eligible for release to parole supervision.

Time served in nonguideline and guideline cases

It is too early to determine the precise effect of the sentencing guidelines on time served in Federal prison. Relatively few offenders sentenced to prison in guideline cases have completed their terms. Prisoners released in 1990 reflect only those offenders sentenced 1 to 3 years earlier. Differences between the offenses

and offender characteristics of this population which received relatively short sentences and those of the population sentenced under the old law may have affected the average length of time served.

The effect of the sentencing guidelines can be estimated, however, using the assumption that the prisoners earn the maximum permitted time off for good behavior. Prisoners sentenced under the guidelines to imprisonment longer than 1 year are awarded good-time credits. For each year of the sentence a prisoner can receive a credit of 54 days, unless the Bureau of Prisons determines that the prisoner has not complied satisfactorily with institutional regulations during the preceding year.

Table 11. Offenders released from Federal prison: Average time served to first release, by offense and year of release, 1984-90

Year of first release	Number of releases*	All offenses	Violent offenses	Average time served until first release				
				Property		Drug offenses	Public order	
				Fraudulent	Other		Regulatory	Other
1984	16,758	14.9 mos.	49.9 mos.	12.6 mos.	16.5 mos.	21.9 mos.	12.6 mos.	6.5 mos.
1985	16,606	14.9	49.9	12.3	17.3	21.2	14.9	6.4
1986	22,122	14.9	49.6	13.5	19.3	22.1	15.9	6.0
1987	22,315	16.3	48.8	13.3	18.8	23.0	16.3	7.1
1988	22,022	18.7	54.2	14.8	21.0	25.2	18.3	8.5
1989	23,748	18.7	52.6	15.5	18.4	27.7	17.7	8.0
1990	25,591	19.2	54.1	15.1	19.6	29.6	18.2	8.1

Note: Includes only prisoners first released after serving terms imposed by Federal district courts. Includes prisoners with life sentences and others whose sentence could not be determined.

*Includes the following number of prisoners for whom offense category could not be determined: 1984 (403), 1985 (609), 1986 (522), 1987 (355), 1988 (220), 1989 (174), and 1990 (195).

Table 12. Offenders released from Federal prison: Percent of sentence served to first release, by offense and year of release, 1984-90

Year of first release	Number of releases	All offenses	Violent offenses	Average time served until first release				
				Property		Drug offenses	Public order	
				Fraudulent	Other		Regulatory	Other
1984	16,751	68.6%	49.2%	67.3%	65.6%	58.4%	69.5%	78.2%
1985	16,581	69.3	56.1	68.4	68.2	59.9	68.0	77.2
1986	22,117	67.5	53.8	65.8	64.0	59.0	66.9	75.2
1987	22,312	67.9	56.8	68.3	64.7	59.9	68.9	76.1
1988	22,013	66.9	57.6	67.7	65.6	58.3	67.6	76.1
1989	23,725	70.8	59.0	69.8	69.7	61.9	73.4	79.9
1990	25,574	75.0	64.8	76.7	74.8	67.6	78.7	81.1

Note: Includes only prisoners first released after serving terms imposed by Federal district courts. Excludes prisoners with life sentences and others whose sentence could not be determined.

If prisoners sentenced during 1990 receive full good-time credit, they will serve substantially more time, on average, than prisoners who were sentenced before the guidelines took effect and who were released during 1990 (table 13). Offenders convicted of violent offenses will serve 74 months in prison on average, compared to 54 months for offenders incarcerated under the old law and released in 1990. Federal drug offenders sentenced under guidelines will serve 66 months in prison, compared to 30 months for pre-guideline prisoners. Those convicted of nonfraud-related property offenses and regulatory public-order offenses will serve the same time as their counterparts in the past, on average, while those convicted of fraud crimes will serve slightly shorter terms (12 months as opposed to 15 months served by those released in 1990).

Supervised release

As part of the broader reform of Federal sentencing procedures, the Sentencing Reform Act of 1984 eliminated the U.S. Parole Commission's authority to release prisoners in advance of the time imposed by the court. The Act did provide for "supervised release," a period of time during which prisoners would be under supervision in the community. The sentencing judges must specify the length of supervision for such a release, if it is part of a sentence. Under the old system of parole supervision, released prisoners were required to be supervised in the community by Federal parole officers until the expiration of the court-imposed maximum sentence.

Judges are not required to impose supervised release. If they choose to do so, judges can sentence offenders to a term within a permitted maximum — up to 5 years for those convicted of the most serious felonies. The declared purpose of this change in law was to have the courts allocate resources for community supervision to only those offenders who were thought to require supervision, rather than to all persons who were released before their sentences expired.

Sixty-nine percent of all persons sentenced under the guidelines during the first half of 1990 were required to serve terms of supervised release after prison (table 14). Violent offenders (89%) and drug offenders (87%) were the most likely to have a supervised release; public-order regulatory offenders (64%) and property offenders (40%) were the least likely.

The average time to be served under supervision in the community after release from prison, by all offenders so sentenced, was 42 months. The longest average supervision terms were imposed on persons convicted of violent crimes, especially murder (39 months), robbery (44 months), kidnaping (52 months), and drug trafficking (50 months).

Congress gave Federal courts the authority to extend terms of supervised release up to the statutory maximum number of months and to terminate supervision early. The courts may also revoke supervision for violations of the terms and conditions of release and send offenders back to prison.

Table 13. Time served by prisoners first released in 1990 and estimated time to be served by prisoners sentenced in guideline cases during the first half of 1990, by offense

Most serious offense at conviction	Time served by prisoners released during 1990	Estimated time that prisoners sentenced during the first half of 1990 are expected to serve*
Violent offenses	54.2 mos.	74.0 mos.
Property offenses	16.3	14.6
Fraudulent offenses	15.1	12.0
Other property offenses	19.6	20.5
Drug offenses	29.7	66.1
Public-order offenses	8.6	22.8
Regulatory offenses	18.2	18.5
Other public-order offenses	13.9	23.4
Number of prisoners	25,591	10,361

Note: The number of prisoners released during 1990 for whom offenses could not be classified was 195.

*Assumes that all prisoners sentenced under the provisions of the Sentencing Reform Act of 1984 will earn the maximum amount of time off for good behavior.

Table 14. Offenders sentenced in guideline cases during the first half of 1990: Percent sentenced to supervised release and time to serve under supervision, by offense

Most serious offense at conviction	Prisoners sentenced in guideline cases, 1990	
	Percent sentenced to supervised release	Average length of supervision
All offenses	68.9%	42.1 mos
Violent offenses	88.7	40.6
Property offenses	40.0	31.8
Fraudulent offenses	39.1	31.2
Other property offenses	42.1	33.1
Drug offenses	86.5	49.2
Public-order offenses	63.9	30.5
Regulatory offenses	41.4	28.3
Other public-order offenses	68.7	30.8
Number of cases sentenced to supervised release	9,967	9,967

Methodology

Abt Associates Inc. calculated the tables in this report for the BJS Federal Justice Statistics Program (FJSP), based on data provided to the FJSP by Federal agencies. The Administrative Office of the U.S. Courts and the Bureau of Prisons provided the source files for this report.

Because some judges contested the constitutionality of the Act, a small proportion of cases that were eligible for sentencing under the guidelines were sentenced under the old law. In January 1989 the Supreme Court upheld the Act's constitutionality in *Mistretta v. U.S.*, Mo. 1989, 109 S.Ct. 647, 448 U.S. 361.

Offenders sentenced under the old law prior to *Mistretta* are excluded from tables of guideline cases. Also excluded are offenders whose cases combined offenses committed both before and after the effective date of the Act. The term *guideline cases* refers to all other offenders whose offenses were committed after the effective date of the Act, regardless of whether the imposed sentence actually fell within the guideline range.

The classification of offenses is based primarily upon offense codes established by the Administrative Office of the U.S. Courts. Offenders are classified according to their most serious charge at conviction.

Sentences to incarceration are defined to include all imprisonment terms of longer than 4 days, regardless of whether this term was concurrent or consecutive with a period of probation, a fine, or any other condition.

The average length of imprisonment sentences for tables 2 and 4 includes only offenders who received sentences limited by an imposed maximum term. Offenders given a life sentence or a death sentence were excluded. The statistic tabulated is the mean value of the maximum term to be served, considering all consecutive and concurrent sentences.

In tables 1 and 2 preliminary data for 1990 are based only on transactions recorded prior to April 1, 1991.

In tables 3 and 4, data from the Federal Probation Sentencing and Supervision System files are used for the 1988-90

period because they indicate whether offenders were sentenced under the guidelines.

In tables 5 and 6, data from Federal Probation Sentencing and Supervision System files are used because they indicate whether offenders were sentenced under the guidelines. The tables may not correspond to those in other Federal Justice Statistics Program (FJSP) publications, which present the same categories from other source files.

Tables 7 to 12 are computed from data that the Bureau of Prisons supplied to the FJSP. Prisoners are classified according to the offense associated with the longest sentence actually imposed. Offense categories are based on combinations of offense designations used by the Bureau of Prisons. They are similar to the categories in other tables, but may not be directly comparable.

Tables 7 to 12 include only prisoners committed by U.S. district courts for violations of the U.S. Code. Other prisoners, such as probation and parole violators, and other types of offenders, such as those from the military, District of Columbia, or States, are excluded. Unlike BJS publications concerning State prisoners, which exclude prisoners serving sentences under 1 year, tables 7 to 12 include Federal prisoners who received sentences of any length. Offenses for a few offenders could not be classified; these offenders are excluded from the tables.

Time served is the number of months from the prisoner's arrival into custody of the Bureau of Prisons until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the Bureau of Prisons, but the population to which the calculation is applied differs, as discussed above.

In table 13, estimates of average incarceration time to be served by those sentenced during the first half of 1990 were computed by assuming that offenders sentenced to a term of 1 year or less would serve their full court-imposed term, while those given a sentence that exceeded 1 year would receive the maximum amount of time off permitted for good behavior (good time) and would thereby serve 85% of their imposed term.

This Bureau of Justice Statistics Special Report was prepared by Douglas McDonald and Kenneth Carlson of Abt Associates Inc. They were assisted by Jan Chaiken, Frederick DeFriesse, Karen Rich, Irma Rivera-Veve, Laura Evers, Paul Scheiman, and Mila Ghosh. Carol Kaplan, chief of the Federal statistics and information policy branch of BJS, reviewed this report, and Tom Hester edited it. Marilyn Marbrook, Tina Dorsey, Jayne Pugh and Yvonne Boston produced the report.

June 1992, NCJ-134727

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with statutory purposes of the OJP agencies and the priorities of the Department of Justice.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS
To: AG. (THRU OJP/GURULE)

ODD: NONE

Date Received: 06-03-92 Date Due: NONE

Control #: X92060308567

Subject & Date

06-01-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULED FOR JUNE 4, 1992, REPORTING THAT
RURAL RESIDENTS ARE SUBSTANTIALLY LESS VULNERABLE TO VIOLENT
CRIME THAN ARE THOSE U.S. INHABITANTS WHO LIVE IN CITIES OR
SUBURBS. A COPY OF THE RELEASE HAS BEEN TRANSMITTED TO PAO,
WHERE IT IS UNDER REVIEW.

Referred To: Date:
(1) OAG; 06-03-92
(2)
(3)
(4)

Referred To: Date:
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U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

JUN - 1 1992

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DEPARTMENT OF JUSTICE

'92 JUN -3 P12:17

EXECUTIVE SECRETARIAT

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
The Location of Crime

Attached for your information is a Bureau of Justice Statistics news release scheduled for June 4 reporting that rural residents are substantially less vulnerable to violent crime than are those U.S. inhabitants who live in cities or suburbs. People who live in rural areas--25 percent of the nation's inhabitants--accounted for only about 16 percent of the country's violent victimizations during the years 1987 through 1989. Moreover, rural rates of personal theft and household crimes, such as burglary and motor vehicle theft, were at or near the lowest levels recorded since the national survey began in 1973.

The National Crime Victimization Survey data reveal that the average annual overall rate of rape, robbery and assault among city dwellers was 92 percent higher than among rural residents and 56 percent higher than among suburban residents. However, the 1989 violent crime rate of 38.3 offenses per 1,000 city residents was 25 percent lower than it was during the 1981 peak rate of 51.6 offenses per 1,000 city inhabitants. Comparing the same years, suburban violent victimization rates dropped by 17 percent, from 32.8 victimizations per 1,000 suburban residents to 27.2 victimizations, and rural rates dropped by about 10 percent, from 24.4 to 22 victimizations.

The average annual personal and household crime rates for 1987 through 1989 were:

	<u>City</u>	<u>Suburban</u>	<u>Rural</u>
Violent crimes	40.6	26.0	21.1
Rape	1.2	0.5	0.4
Robbery	10.0	3.9	2.1
Assault	29.4	21.6	18.7
Personal thefts	86.0	70.1	45.1
Household crimes	232.1	152.7	120.4
Burglary	79.3	52.2	48.5
Motor vehicle theft	26.7	16.8	6.1

Note: The rates for violent crime and personal theft are shown per 1,000 people 12 years old or older. Household crimes are per 1,000 households.

The data were from a special study which examined the differences in criminal victimization among various subgroups of the U.S. population. The rates and other victim characteristics were drawn from the National Crime Victimization Survey, which is the nation's second largest continuing household survey. It collects information from a representative sample of U.S. households to ascertain inhabitants' crime experiences. Among this report's other findings were the following:

--In both cities and suburbs blacks were more frequently violent crime victims than were whites. In rural areas, however, the violent crime rate was higher among white residents.

--In all locations households headed by Hispanic-Americans had higher rates of victimizations than did those headed by non-Hispanics.

--In all areas people from 12 years through 24 years old had the highest rate of victimizations for crime of theft and violence, while those 65 years old or more had the lowest rates.

--Although city residents experienced higher rates of victimization than did either suburban or rural dwellers irrespective of age, rural residents older than 65 were more likely to be burglary victims than were their suburban counterparts.

--City and suburban violent crime victims reported more often than rural victims that their assailants were strangers. Rural violent crime victims said more frequently than victims who

lived elsewhere that the offenders were relatives or acquaintances.

--Less educated residents and those with low incomes were also more likely to have been violent crime victims irrespective of location.

--Motor vehicle theft rates were higher for those households with higher education and income levels regardless of residence location.

--City residents were substantially more likely than were rural residents to defend themselves with firearms when assaulted. Among urban victims of assault, 2.6 percent used a gun in self defense, compared to 1.8 percent among suburban residents and 0.5 percent among rural dwellers.

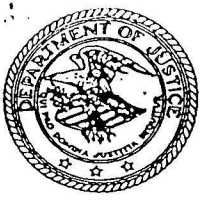
In this study rural areas are defined as those areas outside the metropolitan regions designated as metropolitan statistical areas (MSAs). A suburban area is outside a central city but still within an MSA.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
THURSDAY, JUNE 4, 1992

BJS
202-307-0784

CRIME VICTIMIZATION IN RURAL AREAS LOWER THAN ELSEWHERE

WASHINGTON, D.C. -- Rural residents are substantially less vulnerable to violent crime than are those U.S. inhabitants who live in cities or suburbs, the Bureau of Justice Statistics (BJS) announced today. People who live in rural areas--25 percent of the nation's inhabitants--accounted for only about 16 percent of the country's violent victimizations during the years 1987 through 1989. Moreover, rural rates of personal theft and household crimes, such as burglary and motor vehicle theft, were at or near the lowest levels recorded since the national survey began in 1973, said BJS, a Department of Justice component in the Office of Justice Programs.

"Our National Crime Victimization Survey data reveal that the average annual overall rate of rape, robbery and assault among city dwellers was 92 percent higher than among rural residents and 56 percent higher than among suburban residents," noted BJS Director Steven D. Dillingham. "However, the 1989 violent crime rate of 38.3 offenses per 1,000 city residents was

-MORE-

25 percent lower than it was during the 1981 peak rate of 51.6 offenses per 1,000 city inhabitants."

"Comparing the same years, suburban violent victimization rates dropped by 17 percent, from 32.8 victimizations per 1,000 suburban residents to 27.2 victimizations, and rural rates dropped by about 10 percent, from 24.4 to 22 victimizations," Dillingham added.

The average annual personal and household crime rates for 1987 through 1989 were:

	<u>City</u>	<u>Suburban</u>	<u>Rural</u>
Violent crimes	40.6	26.0	21.1
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-MORE-

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--In all areas people from 12 years through 24 years old had the highest rate of victimizations for crime of theft and violence, while those 65 years old or more had the lowest rates.

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--City and suburban violent crime victims reported more often than rural victims that their assailants were strangers. Rural violent crime victims said more frequently than victims who lived elsewhere that the offenders were relatives or acquaintances.

--Less educated residents and those with low incomes were also more likely to have been violent crime victims irrespective of location.

--Motor vehicle theft rates were higher for those households

-MORE-

with higher education and income levels regardless of residence location.

--City residents were substantially more likely than were rural residents to defend themselves with firearms when assaulted. Among urban victims of assault, 2.6 percent used a gun in self defense, compared to 1.8 percent among suburban residents and 0.5 percent among rural dwellers.

In this study rural areas are defined as those areas outside the metropolitan regions designated as metropolitan statistical areas (MSAs). A suburban area is outside a central city but still within an MSA.

Single copies of the BJS National Crime Victimization Survey Report "Crime Victimization in City, Suburban, and Rural Areas" (NCJ-135943) as well as other BJS publications and data may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs and Crime Data Center and Clearinghouse on 1-800-666-3332.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

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After hours contact: Stu Smith 301-983-9354

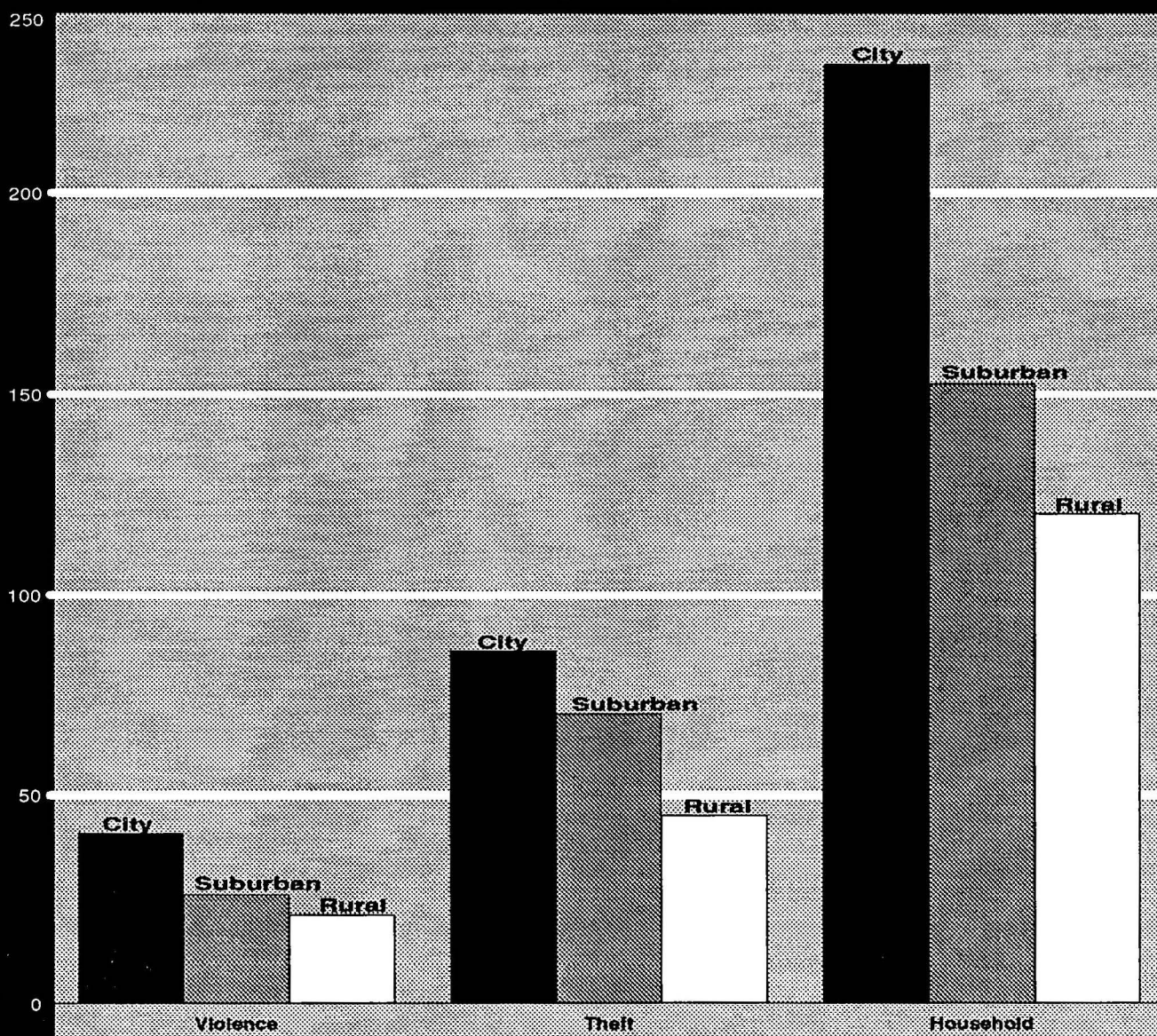
FOIA # 60048 (URTS 16455) DocId: 70106662 Page 170



Bureau of Justice Statistics

Crime Victimization in City, Suburban, and Rural Areas

Average annual number of violent, theft, and household victimizations per 1,000 persons or households, by locality of residence, 1987-1989



A National Crime Victimization Survey Report



Crime Victimization in City, Suburban, and Rural Areas

A National Crime Victimization Survey Report

By Ronet Bachman, Ph.D.
BJS Statistician

May 1992, NCJ-135943

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Steven D. Dillingham, Ph.D.
Director

Acknowledgments. This report was prepared and written by Ronet Bachman with assistance from Marshall M. DeBerry, Jr., Joan Johnson, and Lisa Bastian of the Bureau of Justice Statistics under the supervision of Patsy A. Klaus. Production assistance was furnished by Tina Dorsey. Rhonda Keith assisted with graphical presentation. Tom Hester edited this report under the supervision of Lawrence A. Greenfeld.

In the Bureau of Justice Statistics the data collection program is monitored by Michael R. Rand.

The Assistant Attorney General is responsible for matters of administration and management with respect to the Office of Justice Program agencies: Bureau of Justice Statistics, Bureau of Justice Assistance, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General further establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0950.

Foreword

The prevalence and nature of crime in rural America are important issues that, until recently, have received little attention. As nearly a quarter of the U.S. population resides in rural areas, crime in our Nation's countryside threatens many individuals.

While the popular press has given increasing attention to rural crime, knowing the true status of rural victimization awaits a more accurate, national accounting of the extent and intricacies of such crime.

Utilizing the National Crime Victimization Survey (NCVS), this report summarizes what is known about rural crime victimization and how it compares to both urban and suburban victimizations. The first part presents an analysis of trends in violent, theft, and household victimizations across the three areas from 1973 to 1989. The report then examines the differences in crime victimization rates that exist between rural, suburban, and urban areas. The report concludes by examining the nature (such as victim/offender relationships, offender's use of drugs and alcohol, and self-protection) of rural violent crime victimizations as compared to both urban and suburban victimizations.

This report provides a timely overview of the nature and extent of rural and urban crime victimizations. It presents the most recent data available on rural crime victimization. We hope that this work will be a catalyst for further analysis and discussion to understand the intricate nature of rural crime. NCVS data are available from the National Archive of Criminal Justice Data at the University of Michigan.

Steven D. Dillingham, Ph.D.
Director

Table of contents

		Tables	Figures
Introduction	1		
General trends	2	1. Violent, theft, and household crime rates, by locality of residence	1. Average annual violent, theft, and household crime victimization rates by locality of residence, 1987-89
Personal victimizations	4	2. Personal crimes, by locality of residence	2. Violent crime victimization trends, by locality of residence
Sex	4	3. Household crimes, by locality of residence	3. Theft crime victimization trends, by locality of residence
Race	5	4. Violent, theft, and household crimes, by locality of residence, sex, race, ethnicity, age, education, income, marital status	4. Household crime victimization trends, by locality of residence
Ethnicity	5	5. Crimes of violence, by locality of residence, sex, race, age, education, income, and marital status	
Age	5	6. Crimes of theft, by locality of residence, sex, race, age, education, income, and marital status	
Education and income	6	7. Household crimes, by locality of residence, sex, race, age, education, income, and marital status	
Marital status	6	8. Types of self-protection measures employed by victims, by locality of residence and type of crime	
Offense characteristics	11	9. Perceived sex of offenders, by locality of residence and type of crime	
Victim self-protection	11	10. Perceived race of offenders, by locality of residence and type of crime	
Age, race, and sex of offender	11	11. Perceived age of offenders, by locality of residence and type of crime	
Victim-offender relationships	12	12. Perceived victim/offender relationship, by locality of residence and type of crime	
Offender weapon use	12	13. Perceived weapon used by offenders, by locality of residence and type of crime	
Offender drug/alcohol use	12	14. Perceived drug and alcohol use of offenders, by locality of residence and type of crime	
Methodology	16		
Definition of location	16		

Introduction

The National Crime Victimization Survey (NCVS) continuously surveys the Nation's households about their experience with crime. The survey provides substantial information about how crime has changed over time and in different areas. This study uses NCVS data to focus on differences in city, suburban, and rural victimizations from 1973 to 1989.

City households reside in more densely populated areas, classified by the Bureau of the Census as the core of Metropolitan Statistical Areas. *Suburban* households are in less densely populated areas outside the central city but within Metropolitan Statistical Areas. For this study *rural* households are defined as all those in less densely populated areas outside a Metropolitan Statistical Area. For a more detailed explanation of these areas, see *Methodology* on page 16.

The NCVS collects data in household interviews from all household members, age 12 or older, about victimizations that may have occurred within the preceding 6 months for any of the following crimes:

- The violent crimes of rape, robbery, aggravated assault, and simple assault, including both attempts and completed victimizations
- The personal crimes of theft, both with and without contact between the victim and the offender
- The household crimes of burglary, household larceny, and motor vehicle theft.

This analysis of the geographic distribution of criminal victimization arises from concerns about perceived differences in the increase of crime in cities, suburbs, and rural areas. The NCVS data reveal the following:

- Since 1980, rates of violent and nonviolent victimization have declined across city, suburban, and rural areas of residence.
- The average annual rate of violent victimization, 1987-89, among city residents was 92% higher than among rural residents and 56% higher than among suburban residents. The rates of theft and household crimes for city residents were also about 90% higher than these rates for rural residents.

- While city and suburban areas each accounted for about 42% of the violent victimizations nationwide, rural areas accounted for about 16%.

- Across all areas of residence, males were victimized at a higher rate than females for both the violent crimes and personal thefts.

- In cities and the suburbs blacks had a higher rate of violent crime victimization than whites. In rural areas, however, the rate of victimization by violent crimes was greater for whites.

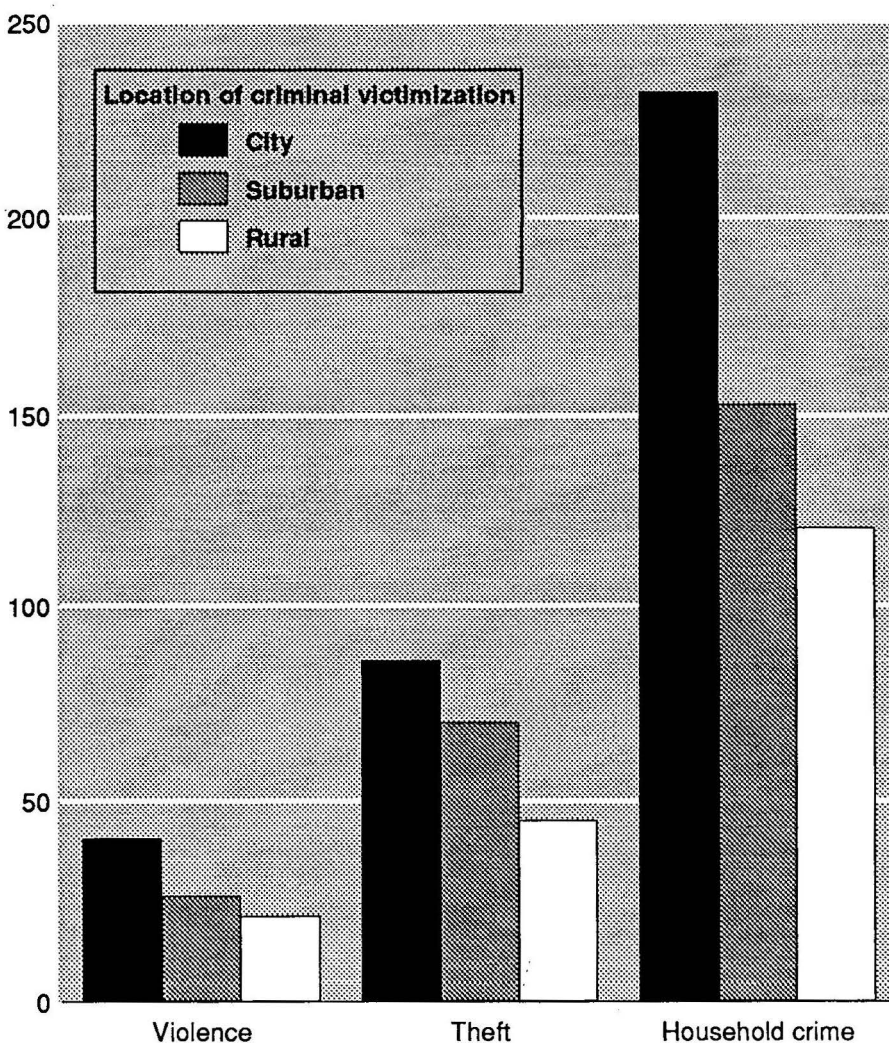
- Across all localities of residence, rates of crime decreased as the age of victim or head of household increased. While rates of victimization were highest in cities for

all age categories, there were no significant differences between rates of victimization among the elderly (65 or over) who resided in suburban or rural locations for most crimes. However, rural residents in the oldest age group were more likely than their suburban counterparts to have experienced burglary.

- City dwellers who were assaulted were more likely to use a gun to protect themselves than were suburban or rural victims of assault.

- While rural victims of violence reported that their assailant had most often been a relative or acquaintance, city and suburban victims of violence were more likely to report that a stranger had been the assailant.

Number of violent, theft, and household victimizations per 1,000 persons or households, by locality of residence, 1987-1989



General trends

In all types of residential locations in the United States, rates of crime varied greatly in the period from 1973 to 1989 (table 1). Rates of victimization refer to the number of victimizations per capita or per household. For violent or personal crimes, rates are reported per 1,000 persons age 12 or older. For household crimes, rates are calculated per 1,000 households.

Cities

- The rate of violent crime victimization for city residents reached a high of 51.6 violent crimes per 1,000 persons in 1981. It was the first significant change after 1973. Each year after 1981, the rate generally decreased, reaching a low of 36.3 in 1986, then increasing until 1988. The 1989 rate of violent crime victimizations of 38.3 per 1,000 city residents was approximately 25% lower than the 1981 peak rate of 51.6.
- The trend of rates of theft victimization in cities resembled the trend of violent

crime rates. Rates significantly increased each year from 1973 to the peak in 1978, with 118.9 theft victimizations per 1,000 city residents. After 1978 rates generally decreased until they reached a low of 80.3 in 1986. Rates in 1988 and 1989 significantly increased from this 1986 low. However, the 1989 rate of 87.9 theft victimizations per 1,000 city residents was still 26% lower than the peak rate of 118.9 in 1978.

- Rates of household crime victimization in cities were highest in 1979, at 297.8 per 1,000 city households. After 1979 household victimization rates generally declined until 1986 when they reached a low of 209.8. After 1986 household victimization rates steadily increased until 1989 with a rate of 235.1. This rate, however, was 21% lower than the high in 1979.

Suburbs

- Rates of violent crime victimization peaked in suburban areas in 1979 at 34.8 per 1,000 residents. From 1979 to 1987

the rates of violent crime decreased, reaching a low of 23.7. Rates of violent crime in suburban areas in 1988 and 1989 were significantly higher than this 1987 low. The 1989 rate of 27.2 still remained significantly lower than the peak 1979 rate of 34.8.

- Suburban area crimes of theft increased from 1973 to 1976 when they reached a peak rate of 107.5 per 1,000 suburban residents. After 1976, rates of theft victimization generally declined until 1986, when they reached a low of 67.3. After that year rates of theft victimization in suburban areas did not change significantly.

- Suburban household crime victimizations also reached a peak in 1976 (247.0 per 1,000 suburban households). Household victimizations in suburban areas, however, significantly decreased during the remaining period. In 1989 the low of 149.0 victimizations per 1,000 households was approximately 39% below the 1976 peak of 247.0 per 1,000.

Table 1. Annual rates of violent, theft, and household crime, 1973-89:

Victimization rates per 1,000 households or persons age 12 or older, by locality of residence

Year	Crimes of violence			Crimes of theft			Household crimes		
	City	Suburban	Rural	City	Suburban	Rural	City	Suburban	Rural
1973	44.1	31.3	22.9	99.8	100.0	71.7	263.2	222.6	164.5
1974	45.0	32.6	22.0	103.3	103.7	76.7 <i>Hi</i>	284.3	243.6	176.2
1975	46.1	31.7	21.8	108.7	106.4	71.5	286.9	241.6	179.6 <i>Hi</i>
1976	45.9	32.3	20.6 <i>Lo</i>	109.6	107.5 <i>Hi</i>	69.6	275.8	247.0 <i>Hi</i>	162.8
1977	47.2	33.7	22.1	112.9	107.2	70.9	276.8	240.8	167.7
1978	45.9	34.7	21.6	118.9 <i>Hi</i>	106.7	64.6	273.9	235.9	159.7
1979	47.5	34.8 <i>Hi</i>	22.7	105.2	101.9	67.6	297.8 <i>Hi</i>	237.1	173.1
1980	45.0	33.2	22.9	98.8	91.2	58.8	289.0	230.7	164.8
1981	51.6 <i>Hi</i>	32.8	24.4	101.4	94.2	59.8	294.8	216.1	173.8
1982	47.0	32.4	25.5	101.0	87.7	60.1	268.9	197.3	165.5
1983	43.3	29.4	22.4	92.0	82.1	57.7	245.4	182.3	148.0
1984	43.6	30.3	22.0	84.6	77.3	53.6	237.9	168.5	136.4
1985	39.9	26.8	24.1	83.5	71.2	51.7	226.9	156.7	139.9
1986	36.3 <i>Lo</i>	23.9	25.6 <i>Hi</i>	80.3 <i>Lo</i>	67.3 <i>Lo</i>	53.5	209.8 <i>Lo</i>	158.4	140.3
1987	41.5	23.7 <i>Lo</i>	24.6	81.6	71.4	50.1	229.4	156.8	134.4
1988	40.7	26.6	22.3	89.3	71.4	48.4	228.6	152.5	127.1
1989	38.3	27.2	22.0	87.9	70.0	45.3 <i>Lo</i>	235.1	149.0 <i>Lo</i>	126.2 <i>Lo</i>

Note: Excludes data on persons whose income, education level, race, or marital status was not ascertained.

Rural areas

- Rates of violent crime in rural areas varied very little, compared to the rates for residents in the suburbs and cities. The rate in rural areas increased to the peak in 1986 (25.6 per 1,000 persons) and declined measurably in 1988 and 1989.
- Theft victimizations of rural residents peaked in 1974 with a rate of 76.7 per 1,000 rural residents age 12 or older. After 1974, theft victimizations in rural areas generally declined, reaching a low rate in 1989 of 45.3. This is approximately 40% lower than the peak rate in 1974.
- Household victimizations that occurred in rural areas had a trend similar to that for personal victimizations. Household victimization rates were highest in 1975 (179.6 per 1,000 rural households). While rates fluctuated between 1975 and 1982, rates generally declined after 1983. In 1989, 126.2 household victimizations for 1,000 rural households was the lowest rate of any year studied.

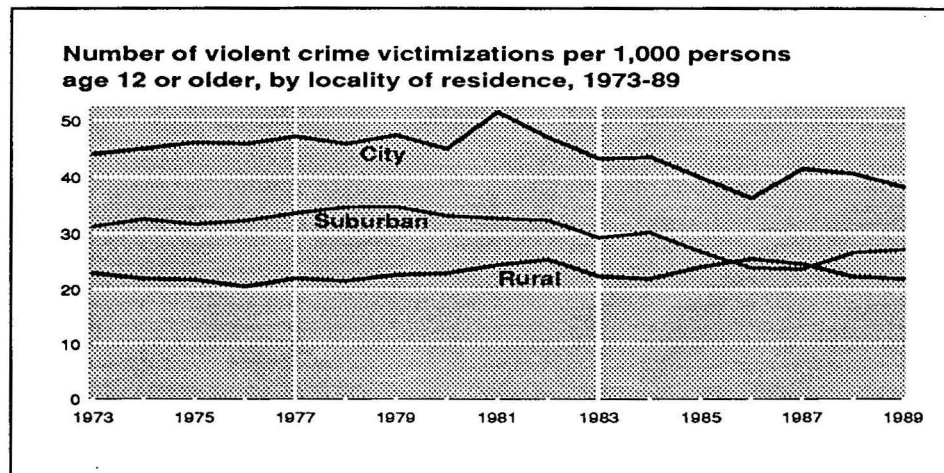


Figure 2

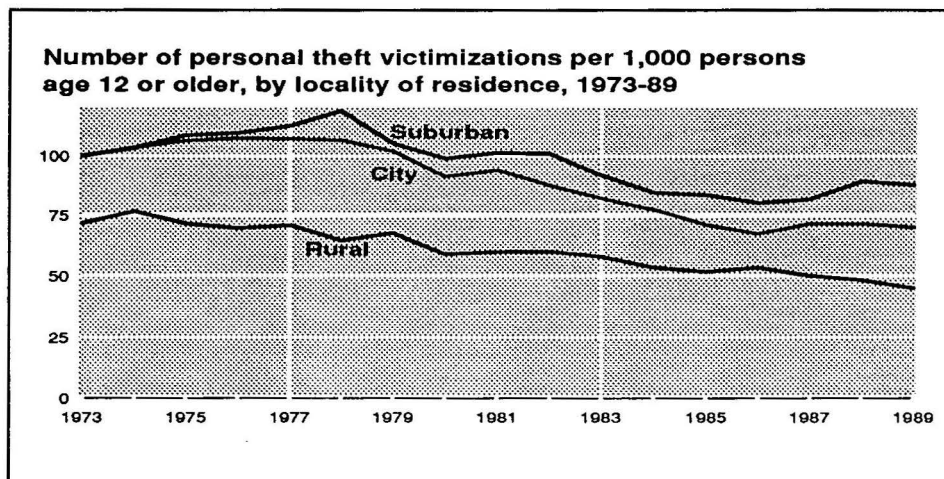


Figure 3

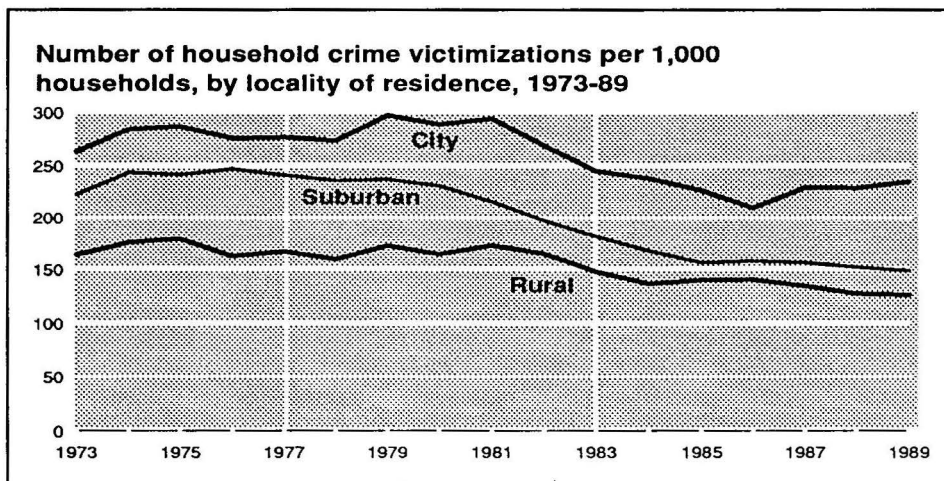


Figure 4

Personal victimizations

For most types of crime, individuals living in cities and suburban areas had a significantly greater chance of being victims of personal crime, compared to those living in rural areas (table 2).

- City dwellers were victimized by violent crime at an annual average rate of 40.6 victimizations per 1,000 persons age 12 or older, compared to suburban and rural residents who sustained rates of 26.0 and 21.1, respectively.

- Rates of violent crime in cities were about 92% higher than those in rural areas. The suburban and rural rates for rape and assault, however, did not differ significantly.

- As with crimes of violence, rural residents experienced the lowest rate of victimization from crimes of theft, 45.1 per 1,000, compared to suburban residents with a rate of 70.1 and city residents with 86.0.

- For crimes of theft, rural residents experienced approximately 90% fewer victimizations per capita than persons living in central cities.

- Overall, household crimes per 1,000 households were highest in cities and lowest in rural areas (table 3). Burglary rates in suburban and rural areas were not significantly different, but household larceny and motor vehicle theft rates were higher in city and suburban areas than in rural areas.

- Similar to the differences in the rates of violent crime and personal theft between city and rural residents, city residents sustained a household crime rate about 93% higher than that of rural residents.

Sex

- Across all localities of residence, overall rates of violent victimization among males were 62% greater on average than among females (table 4).

- In rural areas no significant difference existed between the sexes in their rates of robbery and personal larceny (table 5).

Table 2. Average annual personal crime rates, 1987-89:

Victimization rates per 1,000 persons age 12 or over, by type of crime and locality of residence

Type of crime	City	Suburban	Rural
Crimes of violence	40.6	26.0	21.1
Completed	16.3	9.2	7.2
Attempted	24.3	16.8	13.9
Rape	1.2	.5	.4
Robbery	10.0	3.9	2.1
Assault	29.4	21.6	18.7
Aggravated	11.4	7.3	6.4
Simple	18.1	14.3	12.3
Crimes of theft	86.0	70.1	45.1
Completed	79.9	66.1	43.3
Attempted	6.1	4.1	1.8
Personal larceny with contact	5.3	1.8	.6
Personal larceny without contact	80.8	68.3	44.5
Less than \$50	30.9	27.6	21.7
\$50 or more	41.2	34.2	19.5
Amount not available	3.1	2.6	1.6
Attempted personal larceny	5.6	3.9	1.7
Total population age 12 or over	60,916,988	93,167,616	45,420,391

Note: Detail may not add to total shown because of rounding.

Table 3. Average annual household crime rates, 1987-89:

Victimization rates per 1,000 households, by type of crime and locality of residence

Type of crime	City	Suburban	Rural
Household crimes	232.1	152.7	120.4
Completed	192.4	131.7	104.4
Attempted	39.7	21.0	15.9
Burglary	79.3	52.2	48.5
Forcible entry	30.2	17.1	14.4
Unlawful entry without force	29.4	24.0	24.6
Attempted forcible entry	19.7	11.1	9.5
Household larceny	126.2	83.7	65.8
Less than \$50	47.1	33.9	29.3
\$50 or more	62.4	41.9	28.8
Amount not available	6.7	3.3	3.1
Attempted household larceny	10.0	4.6	4.6
Motor vehicle theft	26.7	16.8	6.1
Completed	16.6	11.5	4.3
Attempted	10.0	5.3	1.8
Total number of households	30,178,925	42,179,579	21,002,987

Note: Detail may not add to total shown because of rounding.

- Males and females were more likely to experience all forms of personal crime in cities than in either suburban or rural areas. However, among females there was no significant difference between suburban and rural victimization rates of robbery and assault.

- For total household crime victimizations, both city and rural households headed by men had higher rates of victimization than households headed by women. For suburban households there were no significant differences in rates between those headed by men and by women.

- City households headed by either women or men had the highest rate of household victimization, compared to their suburban and rural counterparts.

- In all locations, burglary rates were higher for households headed by women (table 5). Only households headed by men in cities experienced higher rates of household larceny and motor vehicle theft than households headed by women.

- In both suburban and rural locations, households headed by women and those headed by men had similar rates of victimization by household larceny and similar rates of motor vehicle theft (table 7).

- Rates for household larceny and motor vehicle victimization were greater for suburban households with either male or female household heads, compared to rural households. There were no significant suburban to rural differences between rates of burglary for either male or female headed households.

Race

Blacks had higher violent crime victimization rates than whites or persons of other races in both city and suburban areas. In rural areas, however, the victimization rates for crimes of violence were higher for whites than for blacks.

- For crimes of theft, whites had higher victimization rates than blacks in both rural and city localities of residence. Suburban residents of both races had similar rates of victimizations by personal theft (69.8 thefts per 1,000 whites and 76.0 per 1,000 blacks).

- City dwellers had higher rates of both violent and personal theft victimization in all racial groups than persons living elsewhere.

- Whites in suburban and rural areas sustained about the same rates of violent crime and personal theft.

- Suburban blacks had higher rates of violent and personal theft crimes than rural black residents.

- Black residents were more likely to be victims of household crime in all localities of residence than were whites. This finding characterizes all the household crimes of burglary, household larceny, and motor vehicle theft.

- Among households in all locations, both whites and blacks in cities had the highest rates of household crime victimization, followed by households in suburban areas.

- Except for burglary, whites and blacks in rural areas had the lowest rates of household victimizations, compared to both city and suburban householders (table 7).

Ethnicity

Among persons age 12 or over in all areas of residence, Hispanics were more likely than non-Hispanics to be victims of violent crime (table 4). For crimes of theft, however, non-Hispanic individuals had higher rates of victimization, except in rural areas where there was no difference in rates for the two ethnic categories.

- Crimes of violence were more likely to be experienced by both Hispanics and non-Hispanics in cities, followed by persons in suburban and rural areas, respectively.

- For crimes of theft, there were no significant differences between city and suburban rates for either ethnic group. In a comparison of rates of personal theft in the three locations, both Hispanics and non-Hispanics residing in rural areas had the lowest rates.

- In all locations households headed by Hispanics had higher rates of household victimization than those headed by non-Hispanics.

- For both ethnic groups, household victimization rates were highest in cities, lower in the suburbs and lowest in rural areas of residence.

Age

The higher the age category, the lower the probability of both violent and theft victimization. In all locations, individuals age 12 to 24 had the highest rate of victimizations while those age 65 or older had the lowest rates (table 4).

- For all age categories, comparing localities, city residents had the highest victimization rates for both crimes of violence and crimes of personal theft.

- For no age group did the rates of violent crime differ between suburban and rural residents. This pattern generally applied to the specific forms of violent crime, including rape, robbery, and assault (table 5).

- For all age categories and for the specific forms of theft — personal larceny with contact and personal larceny without contact — city residents sustained the highest victimization rates, suburban residents the next highest, and residents of rural areas the lowest (table 6).

- Similar to the rates for crimes of violence and theft, rates of victimization from household crimes decreased as the age of the head of household increased (table 4). For all locations, households headed by persons age 12 to 24 had the highest rates of household crime, while households with heads of household age 50 or older had the lowest rates. This pattern generally described the specific crimes of burglary, household larceny, and motor vehicle theft.

- Just as for victimization from crimes of violence and theft, city dwellers sustained the highest rate of victimization by household crime, suburban households the second highest rate, and rural households the lowest. This general pattern for location existed for all age groups except the oldest.

- Suburban and rural households with a head of household age 65 or older had about the same rates of household larceny (30.3 and 32.6 per 1,000, respectively) and motor vehicle theft (3.9 and 2.3, respectively) (table 7).

- Rural households with a head in the oldest age category were more likely than their suburban counterparts to experience burglary.

Education and income

Across all localities of residence, less educated individuals were generally at a greater risk of experiencing crimes of violence than those with more education (table 4).

- In all areas of residence, those at lower income levels had significantly higher rates of violent crime victimization than persons with higher income.

- The relationship between victimization and both education and income also occurred for specific forms of violent crime (table 5). Persons with the most education and the highest income experienced significantly lower rates of rape, robbery, and assault.

- In all locations, those in the highest categories of income and education were more likely than others to be victimized by theft generally and by personal larceny without contact in particular (table 6).

- Suburban and rural residents in the two highest categories of education and income had similar victimization rates for both robbery and assault (table 5).

- City dwellers in all education and income categories had the highest victimization rates from theft or violence, when compared to counterparts in suburban or rural areas.

- Those in the lowest income category of \$9,999 or less were much more likely to experience a burglary than were those who made the most, \$50,000 or more (table 7). Except for city residents, this pattern was true for household larceny as well.

- Motor vehicle theft rates were higher among those householders with higher education and income levels regardless of their area of residence.

- For household crimes at all income and education levels, city residents had the highest rate of victimizations, followed by suburban and rural households. The rate of burglary did not differ significantly among the locations for heads of households in the highest categories of education (4 or more years of college) and income (\$50,000 or more).

Marital status

Overall, persons who had never married were more likely to sustain both crimes of violence and crimes of theft than persons in any other marital status regardless of area of residence (table 4).

- In all localities of residence, divorced and separated individuals were the second most likely to be victimized by crimes of violence and theft, followed by those who were married. Widowed individuals tended to have the lowest rates of victimization.

- For every marital status category, crimes of violence and crimes of theft rates were highest in cities, compared to suburban or rural locations. For those who were either widowed or divorced, however, victimization rates from violent crimes were not significantly different between suburban and rural areas of residence.

- For victimizations by robbery and assault, widowed or divorced rural residents had slightly higher rates than their suburban counterparts (table 5).

- For household crime victimizations in rural localities, households headed by persons who had never married were the most likely to be victimized (table 4). In city and suburban areas, however, there was some evidence that households headed by divorced or separated persons were more likely to sustain household crimes than households headed by persons with any other marital status.

- For all marital status categories, city dwellers had the highest rates of household crime, followed by suburban areas. Rural area households were generally the least likely to be victimized, except for those headed by widowed persons. The victimization rates of rural and suburban households headed by widowed persons did not differ significantly.

Table 4. Average annual violent, theft, and household crime rates, 1987-89:

**Victimization rates per 1,000 households or persons age 12 or over,
by locality of residence, sex, race, ethnicity, age, education,
income, and marital status**

Demographic characteristic	Crimes of violence			Crimes of theft			Household crimes		
	City	Suburban	Rural	City	Suburban	Rural	City	Suburban	Rural
Sex									
Male	50.2	33.8	25.0	92.1	73.0	48.4	239.9	150.2	115.2
Female	32.2	18.5	17.6	80.8	67.3	42.0	221.3	158.5	132.5
Race									
White	39.1	25.6	31.3	90.8	69.8	68.6	224.7	148.2	116.5
Black	48.6	31.4	22.2	72.8	76.0	40.6	266.5	217.1	150.0
Other	26.6	25.1	42.9	66.1	67.0	60.0	186.2	157.7	206.8
Ethnicity									
Hispanic	43.7	33.4	26.1	69.6	65.2	44.1	274.4	235.2	185.8
Non-Hispanic	40.2	25.5	20.9	88.1	70.3	45.4	227.4	148.7	117.8
Age									
12-19	86.2	63.0	47.9	128.2	115.5	93.1	410.5	382.4	356.0
20-24	72.7	52.9	51.1	142.2	114.0	75.0	336.8	291.8	230.9
25-34	47.6	29.3	26.4	101.8	83.6	46.1	283.5	189.7	154.9
35-49	29.2	18.7	14.0	80.5	65.8	41.4	261.9	176.1	135.4
50-64	14.4	7.2	6.2	50.4	39.6	24.9	193.5	121.4	92.3
65 or over	7.8	3.0	2.4	24.3	19.4	12.4	115.2	60.3	67.3
Education									
Less than 9 years	44.5	33.3	21.3	60.0	61.9	42.3	168.9	110.3	91.0
1-3 years high school	58.9	41.3	28.9	75.8	77.6	53.3	258.6	175.1	129.4
4 years high school	36.4	22.1	18.6	75.4	59.0	37.2	238.6	155.0	127.0
1-3 years college	45.1	26.5	23.6	111.0	82.9	56.0	270.9	181.9	140.6
4 or more years college	26.5	17.4	13.4	110.3	79.2	50.9	212.9	134.1	105.6
Income									
Less than \$9,999	65.0	40.8	34.6	88.3	64.6	46.9	232.2	177.1	149.4
\$10,000-24,999	41.9	28.3	19.9	81.1	65.9	41.1	236.8	156.3	114.1
\$25,000-49,999	30.5	23.3	15.4	92.2	69.4	47.3	237.3	147.5	107.3
\$50,000 or more	23.8	20.9	12.0	94.2	80.0	60.2	231.3	150.1	106.9
Marital status									
Never married	68.3	53.0	45.7	122.1	110.8	80.5	250.2	193.9	195.7
Married	19.8	12.9	9.2	62.4	53.0	31.8	234.9	144.9	105.9
Widowed	12.5	5.6	5.3	34.9	26.5	17.5	142.6	72.9	77.4
Divorced or separated	58.9	44.2	46.5	104.7	89.5	56.9	267.7	212.6	178.6

Note: Excludes data on persons whose income, educational level, race, or marital status was not ascertained.
Household crime rates are based on characteristics of the head of household.

Table 5. Annual average crimes of violence rates, 1987-89:

Victimization rates per 1,000 persons age 12 or over, by locality of residence, sex, race, age, education, income, and marital status

Demographic characteristic	Rape			Robbery			Assault		
	City	Suburban	Rural	City	Suburban	Rural	City	Suburban	Rural
Sex									
Male	.2	.1	.1	13.2	5.2	2.4	36.8	28.5	22.6
Female	2.0	.9	.1	7.2	2.5	1.9	23.0	15.1	15.0
Race									
White	1.0	.5	.5	8.4	3.6	3.0	29.6	21.6	27.8
Black	2.0	1.0	.3*	15.7	8.7	3.3	30.9	21.6	18.5
Other	.5*	.5*	2.8*	8.0	2.0*	1.9*	18.1	22.5	38.2
Age									
12-19	2.4	1.3	.6*	17.1	7.4	4.1	66.6	54.3	43.2
20-24	2.2	1.2	1.4*	13.0	8.8	4.3	57.6	42.9	45.4
25-34	2.0	.4	.8	12.9	4.4	3.1	32.7	24.5	22.5
35-49	.4	.4	.1*	8.0	3.0	1.2	20.8	15.3	12.8
50-64	.3*	.1*	.0*	6.0	1.4	1.0	8.2	5.6	5.2
65 and over	.2*	.1*	.1*	3.7	0.8	1.0	3.9	2.1	1.7
Education									
Less than 9 years	.5*	.5	.3*	11.8	4.3	2.8	32.1	28.5	18.1
1-3 years high school	2.0	1.0	.2*	14.4	5.7	1.9	42.4	34.7	26.8
4 years high school	1.3	.4	.6	9.4	3.4	2.0	25.7	18.3	15.9
1-3 years college	1.4	.7	.2*	9.2	4.0	2.6	34.5	21.8	20.8
4 or more years college	.7	.1*	.1*	6.7	2.8	0.8	19.1	14.4	12.5
Income									
Less than \$9,999	2.9	1.3	.9	17.2	7.3	3.9	44.9	32.2	29.8
\$10,000-24,999	1.1	.5	.3	9.0	4.3	1.7	31.8	23.6	17.9
\$25,000-49,999	.4	.4	.2*	7.0	3.0	1.1	23.1	19.9	14.2
\$50,000 or more	.2	.2*	.0*	4.0	2.9	1.8	19.5	17.8	10.2
Marital Status									
Never married	2.3	1.4	1.0	16.0	8.8	4.2	50.1	44.3	40.5
Married	.4	.1	.0*	4.8	2.0	1.0	14.6	10.8	8.2
Widowed	.4*	.2*	.2*	6.9	1.5	0.9	5.2	3.8	4.2
Divorced or separated	1.6	1.7	1.2	14.6	5.8	4.5	42.7	36.6	40.8

Note: Excludes data on persons whose income, educational level, race, or marital status was not ascertained. Ethnicity is also missing from this table as there were too few cases to report rates for specific forms of crime when computed by locality of residence.

* Estimate is based on about 10 or fewer cases.

Table 6. Average annual crimes of theft rates, 1987-89:

**Victimization rates per 1,000 persons age 12 or over,
by locality of residence, sex, race, age, education,
income, and marital status of victims**

Demographic characteristic	Personal larceny with contact			Personal larceny without contact		
	City	Suburban	Rural	City	Suburban	Rural
Sex						
Male	4.2	1.7	.7	87.8	71.3	47.7
Female	6.1	1.9	.5	74.6	65.5	41.5
Race						
White	4.7	4.1	.8	86.1	68.1	67.8
Black	6.8	4.1	1.3*	66.0	73.2	39.2
Other	7.3	3.7	1.0	58.7	64.9	59.0
Age						
12-19	6.4	3.0	.7*	121.8	112.5	92.5
20-24	7.1	2.6	.6*	135.1	114.0	74.4
25-34	5.2	1.9	.1*	96.6	81.8	46.0
35-49	3.9	1.4	.4*	76.6	64.4	41.0
50-64	4.4	1.3	1.4	46.0	38.3	23.5
65 or over	5.8	1.2	.4*	18.4	18.1	12.0
Education						
Less than 9 years	6.5	2.1	1.2*	53.5	59.8	41.1
1-3 years high school	6.0	2.3	.5*	69.7	75.3	52.8
4 years high school	4.0	1.6	.4	71.4	57.4	36.8
1-3 years college	4.5	1.7	.2*	106.5	81.2	55.7
4 or more years college	6.5	1.8	.8*	103.8	77.4	50.1
Income						
Less than \$9,999	8.6	2.3	1.3	79.7	62.4	45.7
\$10,000-24,999	3.9	2.0	.3	77.1	63.9	40.8
\$25,000-49,999	4.9	1.4	.5	87.4	68.0	46.7
\$50,000 or more	3.8	1.4	.5*	90.4	78.6	59.8
Marital status						
Never married	7.1	3.7	.6	115.0	107.1	80.0
Married	3.3	1.1	.5	59.1	51.9	31.3
Widowed	6.3	1.6	.4*	28.6	24.9	17.2
Divorced or separated	6.7	3.0	1.3*	98.0	86.5	55.6

Note: Excludes data on persons whose income and education level, race, or marital status was not ascertained.

* Estimate is based on about 10 or fewer cases.

Table 7. Average annual household crime rates, 1987-89:

**Victimization rates per 1,000 households, by locality
of residence, sex, race, age, education, income,
and marital status of head of household**

Demographic characteristic	Burglary			Household larceny			Motor vehicle theft		
	City	Suburban	Rural	City	Suburban	Rural	City	Suburban	Rural
Sex									
Male	74.1	49.7	44.0	134.9	83.9	65.4	19.4	16.5	5.8
Female	86.6	57.8	59.0	114.0	83.3	66.7	12.8	17.5	6.7
Race									
White	72.9	50.3	45.4	126.7	82.9	65.0	25.1	15.0	6.2
Black	105.5	78.3	75.5	129.2	98.7	70.7	31.8	40.1	3.8
Other	62.9	55.5	100.2	91.8	74.9	92.4	31.5	27.2	14.3*
Age									
12-19	174.8	173.8	149.6	195.7	173.8	191.4	40.0	34.8	15.0
20-24	128.9	105.7	90.3	167.5	150.8	121.3	40.4	35.4	19.3
25-34	92.2	60.7	61.7	160.3	108.4	85.2	31.1	20.6	8.0
35-49	87.1	59.7	52.0	145.5	97.3	76.8	29.2	19.1	6.6
50-64	62.6	67.2	35.3	103.9	66.6	52.6	27.0	16.0	4.3
65 and over	43.4	26.0	32.3	60.0	30.3	32.6	11.7	3.9	2.3
Education									
Less than 9 years	61.8	40.5	43.7	87.1	60.7	43.8	20.0	9.1	3.5
1-3 years high school	102.2	66.9	57.0	130.9	88.3	64.8	25.5	19.9	7.6
4 years high school	79.4	52.6	46.7	130.8	85.9	74.3	28.3	16.5	6.0
1-3 years college	92.5	62.0	54.9	148.0	99.4	76.7	30.5	20.5	9.0
4 or more years college	66.3	43.3	42.1	121.2	75.2	58.3	25.4	15.6	5.1
Income									
Less than \$9,999	101.3	69.4	67.3	114.5	93.2	76.3	16.6	14.5	5.9
\$10,000-24,999	79.1	56.6	43.4	129.6	84.4	64.5	28.0	15.2	6.2
\$25,000-49,999	67.9	46.6	37.0	137.4	84.2	64.2	32.0	16.7	6.1
\$50,000 or more	70.4	46.9	48.1	133.2	81.7	49.8	27.7	21.5	9.0
Marital status									
Never married	97.5	75.5	85.6	125.1	93.7	98.0	27.6	24.8	12.1
Married	65.0	45.1	37.1	140.4	84.6	63.2	29.5	15.1	5.7
Widowed	57.2	27.7	40.2	72.5	37.4	35.0	12.9	7.8	2.1
Divorced or separated	108.2	81.6	83.4	131.3	106.9	87.3	28.3	24.1	7.9

Note: Excludes data on persons whose income and education level, race, or marital status was not ascertained.

* Estimate is based on about 10 or fewer cases.

Offender characteristics

Victim self-protection

For all types of violent crime and in all areas of residence, a vast majority of victims acted to protect themselves with words or physical actions (table 8).

- Approximately 40% of assault victims living in all three residential areas defended themselves verbally and an equivalent percentage of victims defended themselves with some other physical action.

- In cities victims of aggravated assault were more likely than victims living in suburban or rural areas to employ a gun as a measure of self-protection. Among city victims of aggravated assault, 2.6% used a gun for protection; among victims in the suburbs, 1.8%; and among rural aggravated assault victims, 0.5%.

- Compared to the rape and robbery victims in cities, higher percentages of

these victims in rural areas took some form of physical action other than using a gun. These self-protection methods included resisting, capturing, or attacking the offender and running away.

- There were no significant differences in the extent to which victims in city, suburban, or rural locations employed verbal self-protection.

Sex, race, and age of offenders

- Males more often than females were perceived to be the offenders in all forms of violent crime. This was true for all areas of residence. Compared to victims of simple assault in the cities and suburbs, rural victims of simple assault perceived a significantly higher number of offenders to be female, however (table 9).

- Just as white residents of rural areas had higher rates of violent victimization

than the black residents, victims of violent crime in rural areas were also more likely to perceive the race of the offenders to be white than black.

- In suburban areas victims more often perceived the offenders who had raped or assaulted them as white rather than black. In cities only victims of assaults more often perceived the offenders to be white than black. Victims of rapes and robberies more often perceived their offenders to be black rather than white (table 10).

- Most victims of violence in all localities of residence perceived the offenders to have been age 21 or older. However, compared to robbery victims living elsewhere, a greater proportion of robbery victims in rural areas perceived their assailants to be under age 18. Compared to simple assault victims living in cities, simple assault victims in rural areas also perceived the offenders to be younger than 18 (table 11).

Table 8. Personal crimes of violence, 1987-89:

Type of self-protection measure employed by victims, by type of victimization and locality of residence

	Number of victimizations	Total	No action taken	Used gun	Other physical action	Verbal action	Unknown
City							
Rape	228,971	100%	17.6%	1.7%	46.3%	34.4%	0
Robbery	1,890,703	100	39.5	.9	34.7	24.5	.4
Aggravated assault	2,192,694	100	24.6	2.6	32.7	39.5	.6
Simple assault	3,663,578	100	24.9	.2	33.5	41.0	.5
Suburb							
Rape	148,120	100%	19.6%	1.2%	48.0%	39.8%	1.3%
Robbery	1,152,809	100	28.3	.7	40.1	30.3	.5
Aggravated assault	2,166,157	100	26.8	1.8	30.2	40.4	.8
Simple assault	4,500,659	100	24.9	.8	33.5	41.0	.5
Rural							
Rape	59,489	100%	9.8%	0	52.8%	37.4%	0
Robbery	312,878	100	26.5	.6	45.7	26.6	.6
Aggravated assault	917,540	100	23.6	.5	31.8	43.5	.6
Simple assault	1,890,984	100	27.6	.4	30.5	41.0	.4

Note: Detail may not add to total because of rounding. When victims reported using more than one self-protective measure, only the most serious measure is included in the table.

Victim - offender relationships

- Robbery and assault victims living in rural areas more often knew their assailants, that is, as a relative or acquaintance. However, a victim of a robbery or assault living in city and suburban areas was more likely to be victimized by a stranger, perhaps because the chances of encountering strangers are higher in these areas of residence (table 12).
- Higher proportions of assaults and robberies by relatives also occurred in rural areas, compared to suburban and city locations. Compared with suburban victims, rural residents also experienced a higher proportion of rapes by relatives.

The proportion of rural victims sustaining a rape by a relative was not significantly different from that of city victims of rape.

Offender weapon use

- Generally, the percentage of violent offenders using certain kinds of weapons was similar regardless of locality of residence (table 13). In those crimes where a weapon was used, offenders in about the same proportions used handguns and sharp objects in all locations. Some evidence suggests that a higher percentage of assault victims in rural areas compared to assault victims who resided in cities, however, perceived offenders to be using guns other than handguns.

Offender drug and alcohol use

- For those violent offenders perceived by their victims to have been under the influence of drugs or alcohol, most were perceived as having been under the influence of alcohol (table 14). This was true for all areas of residence.
- Rape and robbery victims in rural areas, compared to those who resided in cities and suburbs, were significantly more likely to report that their assailants were under the influence of alcohol.

Table 9. Personal crimes of violence, 1987-89:

Victims' perception of sex of offender, by type of victimization and locality of residence

	Number of victimizations	Total	Male	Female	Both	Unknown
City						
Rape	228,971	100%	94.7%	1.9%	.8%	2.6%
Robbery	1,890,703	100	88.2	4.9	3.1	3.8
Aggravated assault	2,192,694	100	79.1	10.7	4.7	5.5
Simple assault	3,663,578	100	82.0	13.0	2.8	2.2
Suburb						
Rape	148,120	100%	97.4%	.0*	.0*	2.6%
Robbery	1,152,809	100	87.4	6.2	3.9	2.4
Aggravated assault	2,166,157	100	83.8	7.5	3.9	4.7
Simple assault	4,500,659	100	81.2	13.5	3.3	2.0
Rural						
Rape	59,489	100%	86.3%	10.2%	.0*	3.5%
Robbery	312,878	100	85.6	8.7	2.6	3.1
Aggravated assault	917,540	100	80.7	10.9	4.2	4.2
Simple assault	1,890,984	100	76.8	19.2	2.5	1.5

Note: Detail may not add to total because of rounding. This table includes victims who perceived both single and multiple offenders.

* Estimate is based on about 10 or fewer cases.

Table 10. Personal crimes of violence, 1987-89:

Victims' perception of race of offender, by type of victimization and locality of residence

	Number of victimizations	Total	White	Black	Other	Mixed	Unknown
City							
Rape	228,971	100%	39.5%	44.5%	9.9%	2.9%	3.2%
Robbery	1,890,703	100	23.6	57.6	8.4	4.5	6.0
Aggravated assault	2,192,694	100	45.6	37.1	6.5	4.0	6.8
Simple assault	3,663,578	100	59.4	28.9	5.8	2.4	3.5
Suburb							
Rape	148,120	100%	60.0%	32.3%	4.0%	0*	3.8%
Robbery	1,152,809	100	43.6	42.7	4.5	4.5	4.7
Aggravated assault	2,166,157	100	66.1	20.8	4.7	2.3	6.0
Simple assault	4,500,659	100	74.8	15.6	5.3	1.7	2.6
Rural							
Rape	59,489	100%	73.4%	10.1%	13.0%	0*	3.5%
Robbery	312,878	100	60.4	24.4	9.6	1.8	3.8
Aggravated assault	917,540	100	70.2	16.5	6.2	1.7	5.4
Simple assault	1,890,984	100	79.0	12.4	5.3	1.6	1.7

Note: Detail may not add to total because of rounding. This table includes victims who perceived both single and multiple offenders.

* Estimate is based on about 10 or fewer cases.

Table 11. Personal crimes of violence, 1987-89:

Victims' perception of age of offenders, by type of victimization and locality of residence

	Number of victimizations	Total	Under 18	Under 21	All 21+	Some 21+	Unknown
City							
Rape	228,971	100%	6.5%	9.8%	75.2%	1.5%	7.0%
Robbery	1,890,703	100	12.5	16.5	52.8	7.4	10.7
Aggravated assault	2,192,694	100	13.3	14.9	53.4	7.6	10.8
Simple assault	3,663,578	100	17.9	12.6	61.3	3.5	4.9
Suburb							
Rape	148,120	100%	8.7%	8.2%	72.4%	.0*	10.8
Robbery	1,152,809	100	15.3	16.5	51.0	7.8	9.2
Aggravated assault	2,166,157	100	14.4	14.8	56.5	6.2	8.1
Simple assault	4,500,659	100	21.6	12.3	57.6	4.0	4.4
Rural							
Rape	59,489	100%	6.9%	10.7%	75.4%	.0*	6.9
Robbery	312,878	100	22.5	16.1	50.5	4.2	6.8
Aggravated assault	917,540	100	15.0	19.3	54.8	4.1	6.8
Simple assault	1,890,984	100	22.4	15.9	54.7	3.8	3.0

Note: Detail may not add to total because of rounding. This table includes victims who perceived both single and multiple offenders.

* Estimate is based on about 10 or fewer cases.

Table 12. Personal crimes of violence, 1987-89:

**Victims' perception of relationship to offender,
by type of victimization and locality of residence**

	Number of victimizations	Total	Stranger	Acquaintance	Relative	Unknown
City						
Rape	228,971	100%	45.6%	38.4%	9.1%	6.9%
Robbery	1,890,703	100	75.1	13.4	3.5	8.0
Aggravated assault	2,192,694	100	57.0	29.1	5.4	8.5
Simple assault	3,663,578	100	48.6	37.8	9.1	4.5
Suburb						
Rape	148,120	100%	55.7%	32.5%	5.4%	6.4%
Robbery	1,152,809	100	69.9	18.5	5.8	5.9
Aggravated assault	2,166,157	100	58.1	27.2	7.3	7.5
Simple assault	4,500,659	100	49.0	37.7	9.5	3.9
Rural						
Rape	59,489	100%	39.8%	44.0%	12.8%	3.5%
Robbery	312,878	100	46.7	33.8	12.6	4.8
Aggravated assault	917,540	100	41.9	38.3	11.3	8.5
Simple assault	1,890,984	100	31.7	48.0	16.4	4.0

Note: Detail may not add to total because of rounding.

Table 13. Personal crimes of violence, 1987-89:

**Victims' perception of violent offenders' use of a weapon,
by type of victimization and locality of residence**

	Number of victimizations	Total	Handguns	Other guns	Both guns	Sharp objects	Blunt objects	Other weapon
City								
Rape	62,172	100%	6.6%	.0*	2.9%*	36.3%	12.8%*	11.4%*
Robbery	926,268	100	35.4	3.1	.7*	39.4	12.8	8.6
Aggravated assault	1,993,587	100	29.6	5.1	.1*	28.7	20.0	16.4
Suburb								
Rape	34,450	100%	29.9%	.0*	.0*	51.6%	18.5%	.0*
Robbery	501,576	100	38.3	4.7	.7*	33.9	14.0	8.4
Aggravated assault	1,903,083	100	22.8	9.4	.6*	26.0	22.0	19.0
Rural								
Rape	15,396	100%	13.5%*	.0*	.8%*	33.8%*	12.1%*	11.3%*
Robbery	139,511	100	30.3	2.5	.0*	36.7	13.8	16.7
Aggravated assault	814,240	100	23.5	11.3	.3*	28.6	20.5	15.8

Note: Detail may not add to total because of rounding.

* Estimate is based on about 10 or fewer cases.

Table 14. Personal crimes of violence, 1987-89:

**Victims' perception of violent offenders' drug and alcohol use,
by type of victimization and locality of residence**

	Number of victimizations	Total	Alcohol	Drugs	Both	Unknown
City						
Rape	91,016	100%	51.0%	22.3%	19.8%	6.9%*
Robbery	346,424	100	38.5	36.2	13.4	11.9
Aggravated assault	784,223	100	62.9	16.5	12.6	7.9
Simple assault	1,313,581	100	63.6	14.2	14.3	7.9
Suburban						
Rape	72,533	100%	62.4%	19.9%*	17.7%*	.0*
Robbery	263,915	100	44.4	28.5	14.6	12.6
Aggravated assault	756,587	100	64.8	16.7	13.2	5.3
Simple assault	1,537,435	100	63.9	12.5	16.1	7.5
Rural						
Rape	33,328	100%	82.6%	5.9%*	5.3%*	6.2%*
Robbery	119,220	100	54.2	25.1	11.9*	8.8*
Aggravated assault	367,826	100	65.4	15.3	15.8	3.5*
Simple assault	673,572	100	70.5	11.3	12.4	5.8

Note: Detail may not add to total shown because of rounding. This table includes victims who perceived both single and multiple offenders.

* Estimate is based on about 10 or fewer cases.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DEWITT, CHARLES B., DIRECTOR, NIJ
To: AG. (THRU OJP/GURULE) ODD: NONE
Date Received: 05-27-92 Date Due: NONE Control #: X92052808204
Subject & Date

05-27-92 MEMO ATTACHING A COPY OF A NATIONAL INSTITUTE OF JUSTICE NEWS RELEASE FOR MAY 31, 1992, ADVISING THAT THE DEPARTMENTS OF JUSTICE AND EDUCATION HAVE PUBLISHED A REPORT CALLING UPON THE NATION'S LOCAL SCHOOL SYSTEMS TO HELP THEIR STUDENTS UNDERSTAND THE ETHICAL QUESTIONS AND RESPONSIBILITIES INVOLVED IN USING ADVANCED COMPUTER TECHNOLOGY. A COPY OF THIS RELEASE HAS BEEN TRANSMITTED TO PAO FOR REVIEW AND ALSO TO OLS FOR INFORMATION PURPOSES.

Referred To:	Date:	Referred To:	Date:	
(1) OAG;	05-28-92	(5)		W/IN:
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27 May 92



U.S. Department of Justice

National Institute of Justice

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Office of the Director

Washington, D.C. 20531

'92 MAY 27 P4:53

EXECUTIVE SECRETARIAT

MAY 27 1992

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurule
Assistant Attorney General
Office of Justice Programs

FROM: Charles B. DeWitt *CB DeWitt*
Director

SUBJECT: National Institute of Justice News Release

Attached for your information is a copy of a National Institute of Justice news release for May 31 that says the Departments of Justice and Education have published a report calling upon the nation's local school systems to help their students understand the ethical questions and responsibilities involved in using advanced computer technology.

Computer-related crime is a growing problem in our society, the study noted. It includes the fraudulent use of telephone services, employing computer networks to distribute stolen credit card numbers, embezzlement through computers, the unauthorized copying of software, accessing private data banks with false passwords, destroying data with computer viruses, automated teller machine fraud and other new varieties of criminal acts made possible for the first time by newly developed technology.

The joint report indicated that measuring the impact of computer-related crime is difficult. Estimates of financial losses vary widely, it said, but suggested that such abuses may range from \$3 billion to \$5 billion a year. It also cited another survey that said approximately one-fourth of the business firms in Florida said they had been computer crime victims.

The report noted that there are several aspects of computer operations that might lead unwary youngsters into crimes they might otherwise have avoided. For example:

--A child who would never think of searching through a classmate's desk to read her friend's diary might have no qualms about reading the same diary kept in a word-processing file on the school computer network.

--A teenager who would never dream of robbing a bank might feel few compunctions against electronically stealing funds from the bank.

Why? Perhaps because technology removes people from direct contact with concrete objects--the diary or the actual money. Or perhaps using a computer prompts the perpetrator to think there is a greatly reduced risk of being caught. As the fear of being detected decreases, so might the student's sense of consequences.

When information technology harms, the report commented, it usually damages people the offenders cannot see or hear. There is a feeling of anonymity and distance from the victims.

In reviewing the situations that cross the line between ethical and unethical or legal and illegal, the report examined issues such as physical and intellectual property rights, the right to privacy and limitation on the right to free expression.

Individual school districts and teachers have developed policies and curriculum to teach students how to be responsible computer users. The report highlights a number of different ideas. For example:

--At the elementary school level, developing units that introduce the key concepts, including definitions, relevant legal and historical information and then relating them to examples of personal relevance to the students.

--At the secondary level, involving students in mock trials of cases involving the unethical use of technology and issuing technology licenses after students have been introduced to, and can demonstrate, an understanding of responsible use of technology.

The report also called attention to the increasing use of computer technology to invade personal privacy.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services for his information.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, MAY 31, 1992

NIJ
202-307-0784

COMPUTER ETHICS -- IMPORTANT ISSUES FOR AMERICA'S SCHOOLS

WASHINGTON, D.C. -- The U.S. Departments of Justice (DOJ) and Education (ED) today published a report calling upon the nation's local school systems to help their students understand the ethical questions and responsibilities involved in using advanced computer technology.

"At a recent conference on computer crime convened by the National Institute of Justice, there was consensus among criminal justice practitioners, industry officials and educators that teaching today's youth the responsible use of computers is a critical need in our modern society", noted Charles B. DeWitt, Director of the National Institute of Justice (NIJ), an Office of Justice Programs component in DOJ.

"Schools have a vital role to play in helping our children understand a rapidly changing, information-rich, technology-dependent world," stated Assistant Secretary of Education Diane Ravitch.

-MORE-

Computer-related crime is a growing problem in our society, the study noted. It includes the fraudulent use of telephone services, employing computer networks to distribute stolen credit card numbers, embezzlement through computers, the unauthorized copying of software, accessing private data banks with false passwords, destroying data with computer viruses, automated teller machine fraud and other new varieties of criminal acts made possible for the first time by newly developed technology.

The joint report indicated that measuring the impact of computer-related crime is difficult. Estimates of financial losses vary widely, it said, but suggested that such abuses may range from \$3 billion to \$5 billion a year.

It also cited another survey that said approximately one-fourth of the business firms in Florida said they had been computer crime victims.

In reviewing the situations that cross the line between ethical and unethical or legal and illegal, the report examined issues such as physical and intellectual property rights, the right to privacy and limitation on the right to free expression.

Individual school districts and teachers have developed policies and curriculum to teach students how to be responsible

-MORE-

computer users. The report highlights a number of different ideas. For example:

--At the elementary school level, developing units that introduce the key concepts, including definitions, relevant legal and historical information and then relating them to examples of personal relevance to the students.

--At the secondary level, involving students in mock trials of cases involving the unethical use of technology and issuing technology licenses after students have been introduced to, and can demonstrate, an understanding of responsible use of technology.

The report also called attention to the increasing use of computer technology to invade personal privacy. Stores use computers to collect personal data on customers, on-line computer information services keep track of which services customers access and credit bureaus compile detailed financial information on just about everybody. Questions arise about who should control and have access to all this private data. These are issues that young people will have to deal with as adults, both as consumers and as employees of firms that use sensitive data in their regular business operations.

Single copies of the study, "Ethical Use of Information Technologies in Education: Important Issues for America's Schools,"

-MORE-

by Jay P. Silvin and Ellen R. Bialo, of Interactive Educational Systems Design, Inc., (NCJ-136548) as well as other information about NIJ research and publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-301-251-5500. The toll-free number is 1-800-851-3420.

#

92-23 (E)

After hours contact: Stu Smith 301-983-9354

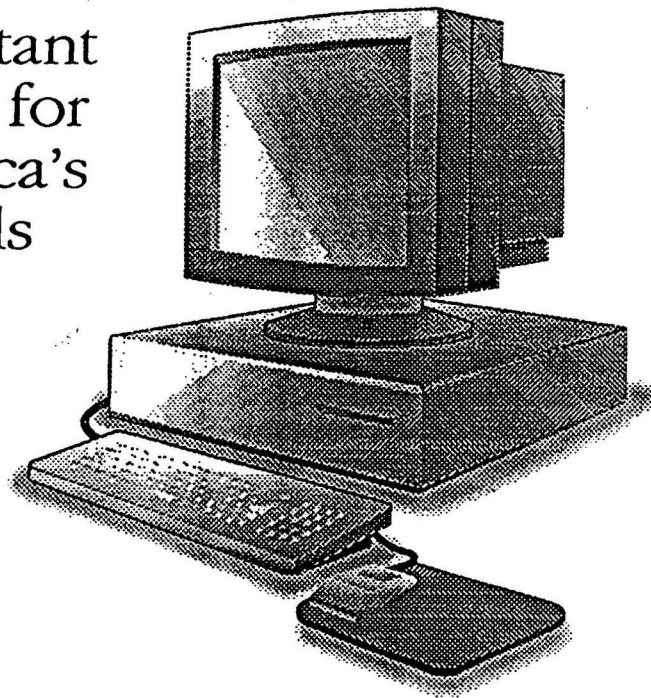


NATIONAL INSTITUTE OF JUSTICE
Issues and Practices

**DEPARTMENT
OF EDUCATION**

Ethical Use of Information Technologies in Education

Important
Issues for
America's
Schools



U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Ethical Use of Information Technologies in Education: Important Issues for America's Schools

by
**Jay P. Sivin
Ellen R. Bialo**

April 1992

Issues and Practices in Criminal Justice is a publication of the National Institute of Justice. Designed for the criminal justice professional, each *Issues and Practices* report presents the program options and management issues in a topic area, based on a review of research and evaluation findings, operational experience, and expert opinion in the subject. The intent is to provide criminal justice managers and administrators with the information to make informed choices in planning, implementing, and improving programs and practice.

Prepared for the National Institute of Justice, U.S. Department of Justice, by the Institute for Law and Justice, Inc. under contract number OJP-91-C-005. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the U.S. Department of Education. Authors are Jay P. Sivin and Ellen R. Bialo of Interactive Educational Systems Design (IESD), Inc. of New York, NY.

The Assistant Attorney General, Office of Justice Programs, establishes the policies and priorities, and manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

National Institute of Justice
Charles B. DeWitt
Director

Program Monitor

Jonathan Budd
National Institute of Justice
Washington, D.C.

Foreword

Plato posed the central ethics issue addressed in this publication in the *Republic*: suppose you had a ring which when you turned the stone, made you invisible. Why then should you act justly? The same question faces today's computer user who, with technology's aid, can effectively become invisible. The problem was ancient in Plato's time; the philosopher makes his point with the Ring of Gyges—already a legend in 400 B.C.

The ethical questions we face today are as old as the pyramids, and the circumstances as new as the latest piece of computer software. How do we best assure the just and effective use of the new technologies that are an increasingly vital part of both our personal and professional lives?

Preparing this Nation's youth to be productive and thoughtful adults, able to compete successfully in a global economy and to exercise the rights and responsibilities of citizenship, is a key objective of the President's National Education Goals and AMERICA 2000 education strategy. Achieving this objective will require educating students in the uses of computers and other new technologies which are opening career possibilities unheard of just a few years ago. The Nation's elementary and secondary schools are rising to the challenge. Computers are now part of the instructional program in the majority of American schools; and a significant percentage of students are already computer literate.

The increasing use and importance of computers has resulted in the rapid growth of such illegitimate practices as piracy, fraud, information destruction, and telecommunications abuse. Computer crime is generally on the rise, creating increasingly serious problems for law enforcement officials. Prevention through education in the responsible use of computers is an important part of the effort to reduce computer crime.

That is why the Department of Education and the Department of Justice have formed a partnership to promote school programs on the ethical uses of new technologies. This report, the first of the partnership between the Office for Educational Research and Improvement and the National Institute of Justice, is designed to assist schools in preparing a strategy to address technology-related ethical issues.

The ethical questions posed by our new technological circumstances are important ones—and many of them appear in shapes unfamiliar to teachers

Foreword iii

students alike. We believe that ethics issues related to the use of these technologies need to be addressed from kindergarten through graduation—and computer ethics education programs need to involve students, teachers, administrators, school board members, parents, and community and business leaders. The challenge is clear and the message is positive: computers are great tools when used responsibly.

Diane Ravitch
Assistant Secretary of Education
for Educational Research and
Improvement

Charles B. DeWitt
Director, National Institute of Justice

Foreword iv

Technology Ethics for Schools Advisory Panel

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Training Division
National Institute of Justice

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Computer Learning Foundation

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Association

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Stanley Zenor
Executive Director
Association for Educational
Communication and
Technology

Advisory Panel v

Table of Contents

Foreword	iii
Advisory Panel.....	v
Ethical Use of Information Technologies in Education.....	1
The Challenge.....	3
How Technology Can Affect Ethical and Unethical Behavior.....	5
Confusion Over Intellectual Property.....	6
What Schools Can Do	7
Defining and Implementing School Policy	7
Incorporating Technology Ethics Issues Into the Curriculum	16
Summary	24
Endnotes	27
References	29
Appendix	
List of Associations and Agencies to Contact for Further Information	33

Table of Contents (continued)

List of Exhibits

Box 1. The Impact of Computer-Related Crime 4

Box 2. Information Technology and the Law 8

Box 3. Cost-Effective Purchasing Options for Schools12

**Box 4. Teaching Ideas from the Computer Learning
Foundation's Responsible Computing Contest19**

**Box 5. Scenarios to Stimulate Technology Ethics Classroom
Discussion23**

ETHICAL USE OF INFORMATION TECHNOLOGIES IN EDUCATION: IMPORTANT ISSUES FOR AMERICA'S SCHOOLS

Throughout the United States, educators are finding ways to use computers and related technologies to enhance student learning. However, as teachers and students become more experienced with educational technology, they are forced to deal with a variety of complex ethical and legal issues. Consider the following scenarios, based on instances that have occurred or could easily occur:

In an elementary school where the budget for instructional supplies has been drastically cut, teachers are concerned that there is not enough money to purchase software for use with their students. A number of teachers make illegal copies of commercial, educational software programs, which they distribute to their colleagues.

At a middle school where students are encouraged to practice writing skills by sending electronic mail (*e-mail*)¹ to one another over the school network, one student electronically sends an obscene story to several of his friends, who in turn circulate it widely over the network. When confronted by school authorities, the original student maintains that he has a right to send personal mail of any sort to his friends.

A high school teacher sets up an *electronic bulletin board*, a system that allows students at different sites to communicate using computers and telephone lines.² Over time, a network of students learns how to use the bulletin board to pull off what the students consider to be "pranks." These abuses of the network include the distribution of stolen long distance telephone access codes and the introduction of a *virus*³ program which destroys data on the system and eventually causes it to crash. Before reinstalling the bulletin board, the teacher and the students who have been assigned to run the system struggle with what rules to set for future users, how

to detect violators, and what actions to take to enforce the new rules.

A teacher shows her students how to combine text, graphics, video segments, digitized voice and music to create computerized multimedia presentations, which can then be transferred to videotape. The students capture music from audio CDs and use graphic images from a commercial graphics library and from books (using an image *scanner*) to create their videotapes. The teacher distributes copies of the videotape to colleagues from other schools. She worries that this distribution may be a violation of copyright law.

With help from *telecommunications* skills⁴ learned at school, a student uses his home computer to gain unauthorized access to a nationwide credit history database and alters the data in some records. As a result, some credit-worthy consumers experience difficulty acquiring bank loans. When the student is caught by authorities, debate ensues in the community about the role the school should play in preventing future on-line abuse.

Students in a junior high English class are asked to keep a daily word processing diary. When one student is absent, another student accesses and reads her diary entries—entries that reveal extremely private details of her life. After the English teacher discovers this abuse, she approaches others on the faculty to discuss ways of defining and protecting private files on the network.

Situations like these are being encountered today across our nation. They are evidence that students and, in some cases, educators need both information and guidance concerning the legal and ethical implications of technology use. Unfortunately, few school systems have the policies and educational programs in place to address ethical issues as they relate to technology—issues such as: physical and intellectual property rights;⁵ the right to privacy; and limitations on the right to free expression.

This time lag between the introduction of new technology and attempts to address its ethical implications is nothing new.⁶ Other technological advances, such as nuclear energy and the automobile, were

implemented in our society long before their responsible use was fully considered. Just as our nation's schools now offer driver education to encourage the responsible use of automobiles, our schools need to address responsible use of computers and related technologies as well.

This paper offers an overview of technology ethics issues for teachers, school administrators, and members of the community concerned about school policy. In this paper, we explore answers to the following questions:

- Why are technology ethics issues important for our society?
- How can information technology change what we think of as ethical behavior?
- Why do many students find the concept of intellectual property confusing?
- What can schools do to address these problems?

THE CHALLENGE

Computer-related crime is a growing problem in our society. When criminal justice officials speak of computer-related crimes, they include fraudulent use of telephone services, use of computer networks to distribute stolen credit card numbers, embezzlement via computer, automated teller machine (ATM) fraud, unauthorized access to computer networks, tampering with electronically-stored records or programs (either directly or through programs such as viruses), and unauthorized copying or distribution of software (Conly, July 1989). Such crimes are costing American business a tremendous amount of money and adding to an already overloaded criminal justice system. (See Box 1 on the impact of these crimes.)

While the proportion of technology abuse committed by school-age children is presently small, there is concern about the adults that today's computer-literate children will become. In a recent conference on computer-related crime convened by the National Institute of Justice, there was consensus that:

... given increased computer use in schools, the pool of potential abusers is growing substantially. . . . The nature of

the technology can invite abuse if users are not educated to understand the implications and consequences of their actions.⁷

Box 1

The Impact of Computer-Related Crime

Approximately one-fourth of Florida businesses responding to a recent survey reported having been the victim of a computer crime (Herig, 1989). A national survey found that 84 percent of the police chiefs in large, urban jurisdictions expected computer crime to have a serious impact on future workloads. Criminal justice professionals predict that computer abuse will steadily increase. (Conly and McEwen, January/February 1990).

Estimates of the financial losses due to technology abuse vary widely, depending on what forms of abuse are considered, and on how much underreporting by corporations is assumed. (Many companies are afraid of the financial impact when the public learns that their computer systems are insecure.) One recent report estimates that such abuse may cost from \$3 to \$5 billion per year (Gerboth, Hoenecke, and Briganti, 1989).^a

^a Some law enforcement officials estimate that the costs may be even higher (Steven Purdy, 1991, personal communication).

Besides blatant criminal acts, the widespread use of computers and related technology can lead to other forms of abuse as well. In particular, civil libertarians worry about the increasing use of information technology to invade people's privacy. In an era when stores use computers to collect personal data about their customers, on-line services track the information each consumer accesses, and credit bureaus compile detailed financial data on individuals (Gandy, Summer 1989), questions arise about who should control and have access to all this personal information. Striking a balance between the desire to exploit information technology for economic gain and the need to protect personal privacy requires an informed citizenry.

What values will today's children and tomorrow's adults apply when taking advantage of computers and other information technology? Our educational system bears a major responsibility for helping to shape these values.

HOW TECHNOLOGY CAN AFFECT ETHICAL AND UNETHICAL BEHAVIOR

Why, you might ask, is it necessary to treat ethical behavior related to the use of information technology any differently than ethical behavior in general? If families, schools, and other social institutions are successful at passing on to children our society's traditional notions of right and wrong, won't they apply them to the use of information technology as well? Not necessarily.

While many of our traditional values can be stretched to fit the new environment of information technology (Johnson, 1990), some aspects of this new environment can make the fit difficult for people to see. A child who would never think of searching through a classmate's desk to read her personal diary might feel free to access and read the same classmate's diary stored in a word processing file on a network. A teenager who would never dream of robbing a bank, might experience fewer qualms about attempting to steal funds from the bank electronically. Why?

One explanation is that technology removes us from the concrete object: the book, the actual money. Another explanation is that, by using the computer to commit an unethical act, the perpetrator often believes that he or she can escape detection. As the fear of being caught decreases, so does the student's need to engage in soul-searching.

Information technology also introduces *psychological distance* to the scenario (Friedman, April 1990a). When we interact with others face-to-face and behave unethically, we experience first-hand the harm we have caused—and the resulting feeling can reinforce our ethical norms. When we use information technology in a way that does harm to others, the act feels less personal because we can't see or hear the other person in the exchange. We may not experience him or her as a person at all (DeMaio, 1990, 1991). For instance, if a group of students gains unauthorized access to a corporate computer network, they might feel pleased that they have succeeded in "beating the system" but might never realize the disruption they have caused to

the employees who run and use the network. The fact that information technology makes it easier to target victims we don't know and who don't know us, adds to the feeling of anonymity and distance.

CONFUSION OVER INTELLECTUAL PROPERTY

Another challenge we face when teaching about the responsible use of technology is that we are forced to confront some complex and often confusing issues. While students and educators may have a firm sense of right and wrong when it comes to physical property, the use of computers and related technology more often concerns an intangible kind of property—information as property. And we are confused about how to regard information. Is it the free-flowing life blood of a naturally curious human society—something to be shared? Or is information the private property of its creators (DeMaio, 1990, 1991)? This conflict in the way we view information can be observed regularly in classrooms. On Tuesday, a small group of students might be encouraged to share their ideas in a computer-based, collaborative writing project. On Wednesday, one of these students might be reprimanded for not working independently on an individual writing assignment. Such mixed messages about information as involving both shared and private experience are a potential source of confusion for students, if not directly addressed in the classroom.

The use of information technology to both generate and disseminate information electronically further complicates matters. Computers and related technologies make it easy to write collaboratively (even at multiple locations), compile information from a variety of sources, copy it, revise it, and destroy earlier versions. As a result, it is often difficult to determine who the author is and who should have ownership rights to the information (DeMaio, 1990). And when ownership is unclear, the ethical imperative to respect the owner's property rights is considerably weakened.

Even if we agree about who has legitimate ownership rights to information, theft of electronically-stored information may seem less of an evil than theft of tangible property. If we steal a car, the victim is deprived of its use. However, if we steal information from a computer network, the victim usually still has access to the information and may never even realize that a theft has been committed. The perpetrator may believe that he or she hasn't harmed anyone.

Another area of confusion concerns the rights we gain when we purchase software. When we buy physical property (e.g., a bicycle, clothing), we gain the right to do virtually anything we want with it. However, in the world of intellectual property, our rights are not nearly as broad. For example, unless we have express permission from the software publisher, our rights do not extend to unlimited duplication (Johnson, 1991).

As we attempt to make sense of these complex issues, we cannot always trust our intuition about what is ethical and legal. We cannot assume that students will take the ethical high road—or always know which is the high road. Nor can we count on parents to provide ethical guidance in the realm of information technology. Often, parents do not have sufficient experience with information technology in their daily lives to fully understand the ethical and legal issues involved. It is up to the schools to become informed about the relevant legal and ethical issues and to provide the guidance students need.

WHAT SCHOOLS CAN DO

Schools have a major role to play in reinforcing traditional societal values and helping students see how these values apply to the use of information technology. Schools can also help prepare students to maneuver intelligently through the uncharted ethical waters they are bound to encounter in the world of technology.

Schools can take action on technology ethics on two fronts: setting school policy that provides a model for students to follow, and incorporating technology ethics issues into the curriculum.

Defining and Implementing School Policy

The only way to ensure that the school and its personnel serve as models in the ethical use of information technology is to establish clear, implementable policies regarding such use. In setting these policies, decision-makers need to know how technology is being used in the district and anticipate how it will be used in the near future. Are local area networks in place? Are students and teachers planning to become involved in telecommunications projects with other sites (within or outside the district)? Do schools in the district have (or plan to buy) equipment that makes it possible to capture images, sounds and computerized material and

incorporate them into multimedia presentations? For each anticipated use, it is necessary to be aware of the specific challenges and ethical dilemmas that might arise, and to become informed about the relevant legal issues. (See Box 2 for more about laws and legal issues.)

Box 2

Information Technology and the Law

Federal Copyright Protection for Computer Programs. A 1980 amendment^a to the 1976 Copyright Act gives computer programs the same basic protection as other original works of authorship. The law allows the creation of a copy for archival (backup) purposes only. If one loads the program onto a hard drive, one may keep the original for backup (U.S. Congress, Office of Technology Assessment, April 1986). There is some debate over whether *multiple-loading*, or using the same disk version of a program to load it in several computers at once, violates copyright law (International Society for Technology in Education, March 1987). Some experts believe it is a violation because multiple-loading actually creates many temporary copies of the program.

Software License Agreements. Under software licensing agreements, schools do not technically purchase software but rather purchase the rights to use it in the manner specified in the agreement. In the case of a site or network license, schools are granted the right to duplicate or widely distribute the product. (See Box 3 for more information about such licenses.) In addition, many educational software publishers now include a software agreement with every *individual* software package they sell. With some products, the school indicates its consent to the agreement by tearing open the clear plastic shrink-wrapping. In other cases, an authorized school official indicates consent by signing the warranty card. When some form of consent is required and given, software licensing agreements are generally assumed to be legally binding. Some states have passed laws making the terms of such agreements enforceable (Reed, July 1989).

Fair Use. The 1976 Copyright Act provides for *fair use* exceptions^b to the otherwise exclusive rights of copyright holders to "distribute, perform, or display copyrighted works (U.S. Congress,

Office of Technology Assessment, April 1986)." The term fair use is not defined in the statute but is generally interpreted to include reproduction. Four factors are considered when determining whether a use is fair:

1. The purpose of the use (non-profit educational purposes are usually considered acceptable)
2. The nature of the copyrighted work
3. The amount and proportion of the whole copyrighted work used (the smaller the proportion, the more likely the use will be considered fair)
4. The effect the use might have on the copyrighted work's market potential or value (U.S. Congress, Office of Technology Assessment, April 1986)

The interpretation of these factors has been left to the courts. It is difficult to predict how they will be applied to educational uses of electronically-stored databases and library collections of graphics and sounds.

Unauthorized Access as Computer Crime. The Credit Card Fraud Act of 1984^c prohibits the fraudulent use of any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds. The Counterfeit Access Device and Computer Fraud and Abuse Act of 1984^d prohibits unauthorized access to computer systems run or used by the federal government or financial institutions, as well as systems run by credit card companies and consumer reporting agencies (Purdy, 1990). Most states have laws that specifically prohibit unauthorized access to computers (McEwen, June 1989).

Legal Liability For School Computer Networks. Based on a review of relevant law, judicial rulings, and legal opinion, researcher Early Dowdy (August 1989) warns that a school district or its employees may be liable for personal injury or property damage caused by student actions or communications involving a district-run computer network. Liability will vary from state to state and may hinge on the adequacy of supervision. If students distribute defamatory statements over a network, they could be considered publishers under libel law, and the school district could be considered

a republisher. The 1988 Supreme Court ruling in *Hazelwood School District v. Kuhlmeier*^c gave public school districts the power to control the content of publications sponsored by districts. Regarding computer networks, districts may have the corresponding legal responsibility to wield this power, in the form of monitoring (Dowdy, August 1989).

^a See 17 United States Code (U.S.C.) Secs. 101 and 117.

^b See 17 U.S.C. Sec. 107.

^c See 18 U.S.C. Sec. 1029.

^d See 18 U.S.C. Sec. 1030.

^e See 484 U.S. 260 (1988).

Effective implementation of whatever policy is decided upon relies in large part on teachers. It is not possible to enforce new rules or have a positive effect on the attitudes of students without support from the classroom teachers in the district. Ideally, the teachers most involved in technology use should, from the start, play an active role in formulating policy—helping to define the problem areas and arrive at realistic solutions. Once policy is set, it is crucial that it be communicated to all faculty and staff members. One effective way of doing so is to give the discussion of district policies on ethics and the law a high priority when planning technology-related staff development activities.

Unauthorized Software Copying. Regardless of how computers are used in the school, unauthorized copying of software will remain tempting to some teachers and students, and needs to be addressed via policy. Since the legal and ethical issues are similar, districts may want to relate their software copying policy to policies on videotaping and photocopying. In addition, there are some useful resources that can help educators focus on the specific legal issues related to software use and duplication.

One such resource is a policy statement on software copyright issued by the International Council for Computers in Education (ICCE) in 1987.⁸ Another is a single-page handout, released by the Software Publisher Association (SPA) in 1991, that answers questions about software copying from the industry's viewpoint.⁹ Both resources address such issues as the creation of back-up copies and the use of local area networks. In addition, the ICCE statement offers a model district software copyright policy and some helpful hints for schools when setting guidelines. For example, recognizing that most software programs come with a license agreement that may place

more specific restrictions on use than copyright law provides, the policy recommends that

... *only* one person in the district be given authority to sign software licensing agreements. This implies that such a person should become familiar with licensing and purchasing rights of all copyrighted materials (International Society for Technology in Education, 1987).

Other steps for avoiding copyright infringement include providing secure storage for software, keeping up-to-date, centralized records of all software that has been legitimately purchased, and conducting periodic "audits" to make sure that the school is using only software that appears on those records (Gamble and Anderson, September 1989).

The SPA offers a free Self-Audit Kit to any institution that requests one. Although the kit is designed for businesses, it could be helpful to you if your school uses utility software (e.g., word processing and spreadsheet programs) on computers with hard disk drives. In addition to outlining steps for completing a self-audit, the kit includes a software program that searches the hard drive for many of the software applications used most often by business and generates a printed list, ready for comparison with the district's records of software ownership.

If your school distributes software throughout a local area network, your software license agreements must allow for network use. In addition, if the computer workstations attached to the network are equipped with floppy disk drives, the network software should be set up so that users cannot copy commercial software programs onto floppy disks.

Perhaps most important of all, policy-makers should make sure that faculty and students understand that unauthorized software copying represents theft of someone else's ideas and efforts. Faculty and students need to know what they can and cannot do under copyright law and under specific publisher's license agreements, as well as the ethical rationale for the law and license agreements—that software programs are the software developers' and publishers' intellectual property and that if users copy software rather than purchase it, the software developers' incentive to improve products over time and to develop new, better quality products is reduced. Faculty and students should also know in advance the penalties they face for violating the policy. For instance, one district policy states that "legal or

insurance protection . . . will not be extended to employees who violate copyright laws."¹⁰ And some technology companies go so far as to make unauthorized software copying by their employees an offense punishable by dismissal.

It is also important to anticipate the consequences of a policy against unauthorized copying and to consider how it relates to other decisions about educational technology. One recent study suggests that if teachers face the choice between unauthorized copying and insufficient software resources for their students, some teachers will choose to copy (Friedman, April 1990b). To address the problem realistically, therefore, districts need to offer teachers reasonable alternatives. Although eliminating illegal copying may result in a decrease in the amount of software available in some schools, a district can help ensure broad access to quality programs by actively pursuing legal and affordable purchasing options.¹¹ (For more information on purchasing options, see Box 3.) In addition, a number of schools and districts have come up with innovative approaches to fund-raising (e.g., students teaching after-school technology courses to the community; selling videocassettes of school sports events) to supplement the existing technology budget.

Box 3

Cost-Effective Purchasing Options for Schools

Lab Packs. Most educational software publishers offer this option to schools interested in buying multiple copies of a program for use in a single computer lab or classroom. A lab pack generally consists of several copies of the program (five-packs and ten-packs are common) accompanied by a single set of documentation. The entire lab pack costs considerably less than purchasing an equivalent number of individual software packages.

Site Licenses. This is a cost-effective approach to acquiring programs that are to be widely used throughout a school or district. In granting a site license, a publisher generally gives the licensee the right to make unlimited copies of the program for use within a specific "site." The site might be an individual school building, a district, or any other unit that the two parties agree upon. Some companies have a standard rate they charge for a certain type of site

license; others base the price on the number of potential users at the site.

Network Licenses. Since distribution of software via a local area network can be seen as a form of duplication (because the software is available at more than one computer workstation at a time), most networkable versions of programs come with a license that determines how the software is to be used on the network. Some licenses allow for unlimited use of the program on a single local area network. Others define the number of network users (or workstations) that can have access to the program at any one time. (Such limits are then enforced by the network management system which alerts users who attempt to access certain programs that all available copies are currently in use.) Pricing varies but tends to be much more cost-effective than the purchase of the equivalent number of individual copies intended for stand-alone (non-network) use.

Other Volume Discounts. In addition to lab packs and licenses, most educational software companies offer other discounts to institutions and groups that make large purchases. Some companies deduct a percentage of the cost for each order over a certain size; others offer "district memberships" that provide price breaks to participants ordering many products over a longer period of time. Some larger entities—occasionally including entire states—have been able to negotiate special price breaks from software companies by placing especially large orders, or even by helping with the development of new products. Although individual schools and districts do not have the same buying power as a large state, a number of them have found ways of saving money by grouping together to place bulk orders. Most educational software companies are receptive to proposals for affordable ways of making large purchases (Salpeter, January 1988).

Software Bundling. Many educational software companies offer special discount pricing for "bundles" of software that include several related titles or a number of programs in a series. Increasingly, we are seeing partnerships between different companies (often including both hardware and software providers) to deliver cost-effective bundles addressing specific needs (e.g., teacher productivity, elementary language arts).

Fair Use.¹² As multimedia becomes a regular part of the instructional process, many teachers have questions about the legality of incorporating commercially-available information, including downloadable text from CD-ROM databases, graphics libraries available on floppy disks, and digitized music recordings, into computer-based presentations that they and their students create. While the *fair use* exceptions to copyright law can be interpreted as giving educators limited rights to capture such materials for educational purposes (essentially, *duplicating* the source material by incorporating it into a new presentation), current law is not definitive about these issues. One logical policy solution is to seek written permission from the publisher whenever information is to be used in a project that will be distributed beyond the classroom.

Plagiarism and Giving Credit. Schools will probably want to extend existing rules against plagiarism to include all forms of electronically-stored information. Setting district-wide standards for giving credit to all information creators (e.g., authors, graphics artists, publishers) when excerpting electronically-stored information is a good way to guard against even unintended plagiarism. For example, if a student develops a multimedia project that incorporates graphics from a graphics library disk and text from a CD-ROM encyclopedia and an online database, he or she should be expected to cite all of these sources in a bibliography that accompanies the project.

Electronically-Stored Information As Property. When information is stored in electronic form, it is subject to the same ethical standards as print-based information and tangible property. Many school districts have policies in place regarding issues such as theft and vandalism. They need to articulate how these policies should apply to technological versions of such wrongdoing. For example, if vandalizing school walls is a suspendable offense, will the same action be taken if a student deliberately tampers with a file on the school's network? If technology-based theft or vandalism seems less serious than the old-fashioned kind, consider the damage that can be done when students use computers, modems, and telephone lines to connect to district-wide, nationwide, or even worldwide networks.

Confidentiality and Privacy. Computer security expert Harry B. DeMaio (1991) notes that an effective program designed to reinforce respect for confidentiality and privacy must go beyond a general "statement of policy and an occasional awareness meeting." He stresses that the program must address the specific needs of the target organization. School districts can

apply DeMaio's advice by identifying the different types of files that require a high degree of confidentiality, determining who should have access to each type of file and why, and then setting up a system for restricting unauthorized access.

One area of particular concern for schools is the amount of sensitive personal data (e.g., the results of psychological testing, financial information about students' families, etc.) that a district must store. The responsible care of confidential information is an important legal and ethical issue for our society as a whole. As more and more data become stored on interconnected computer networks, passwords and access codes are replacing locked doors and file cabinets. A school administrator who would never leave sensitive data in an unsupervised, unlocked file cabinet might not think to set up adequate password protection for the same data on a computer-based system. One major manufacturer of computers and school networking software recommends at least three levels of password protection when using networks with students in grade four and above—one level for students, one for teachers, and one for administrators and system managers. Larger districts may need even more levels of protection.

When dealing with student-created files, schools are faced with a different challenge: how to balance respect for an individual's privacy with the responsibility for monitoring student academic performance. Some school districts may choose to guide this balancing act via policy. For example, they may want to define certain writing (e.g., journals) to be private—off limits to teachers without student permission. Whatever policy is set, it is important for students to be informed about who will have access to which of their files. As information technology advances, such privacy issues are likely to multiply. For example, when using a network system that allows teachers, from their teacher workstations, to observe students while they work, the school will want to set a policy of letting students know when they are being observed.

Free Speech vs. School Responsibility. Some schools have faced the challenge of balancing student free speech and the school's quasi-parental role in the context of student newspapers. Regional, national, and international computer-based school networks will place schools in the position of being electronic publishers—with a vastly larger potential audience than the local community. Some schools may want to specify in policy what the school's role will be in screening electronic publications for ethical abuses such as defamation and profanity.

Telecommunications Policy. The ethical issues that arise when students use computers to telecommunicate are not very different from those related to the use of stand-alone computers and local area networks. However, the impact of telecommunications abuse is more widespread (since it involves students at multiple sites) and the responsibility for monitoring user behavior often falls outside the local school. In establishing an effective policy in this area, decisionmakers must consider the purposes for which students will telecommunicate (e.g., use of an e-mail system for pen-pals; use of a bulletin board as a forum on controversial issues). They must also understand the standards, procedures, and monitoring policies of the online services that will be used.

School districts will want to ensure that students are aware of accepted standards of behavior on online systems (e.g., avoidance of defamatory or obscene remarks). Districts will also want to take a clear stand against the use of telecommunications to engage in software piracy or to violate others' right to privacy. In addition, schools and districts should aggressively discourage the illegal use of telephone and telecommunications systems—including telephone fraud, unauthorized use of such systems, and deliberate crashing of network-based computer systems. Finally, policies and procedures should be in place that will minimize the risk of computer viruses. Effective strategies include the use of anti-virus software, discouraging the use of outside or pirated software within the schools, and controlling access to the school's or district's own networks.¹³

Incorporating Technology Ethics Issues Into the Curriculum

For technology ethics issues to have an impact on students, they need to be addressed in classrooms and computer labs as part of the instructional process. To encourage this, some districts have included technology ethics as a content strand in their formal curriculum guidelines. It is recommended that experienced, technology-using teachers be involved in the process of developing the technology ethics curriculum strand. Before the curriculum strand can be effectively implemented, the content and appropriate instructional methods need to be addressed as part of in-service, teacher education.

What to Teach. An overriding theme of technology ethics instruction is that information technology systems—including hardware, software, and data—are extensions of human society. They are created by humans and used

by humans. They can be used to benefit others or to harm them. Some applications of information technology are ethical and others are unethical. Still other applications are in the ethical "gray zone." Each individual has a moral responsibility for how he or she uses technology.

Specific topics that school districts may want to address as part of a technology ethics curriculum include respect for privacy and confidentiality, respect for information technology systems as property, respect for intellectual property rights, conflicts between competing rights (e.g., freedom of information vs. privacy), and the law as it applies to the use of information technology.

When to Teach. Technology ethics issues can be infused into the curriculum at different grade levels. Some districts target technology ethics instruction at the middle school or junior high grades—at an age when many students develop sufficient computer expertise to cause significant damage. However, many experts in the field recommend beginning technology ethics instruction when students are first introduced to technology. A recent survey showed that more elementary students use computers in school than high school students (National Center for Education Statistics, 1991). Paul Resta of the University of Texas Learning Resource Center suggests a spiraling ethics curriculum—starting instruction in the elementary grades and continuing throughout the grade range at increasing levels of sophistication.¹⁴

Where in the Curriculum. Technology ethics have typically been introduced in subject areas with a heavy technology focus, such as computer literacy, computer programming, and vocational education. As schools move to incorporate technology throughout the curriculum, some believe that ethics must be addressed whenever students use technology. Others recommend including technology ethics as part of the social studies curriculum, science or math curriculum—so it will be assured of a permanent curriculum home.

Instructional Strategies and Activities. A variety of instructional strategies and activities have been tried, including assigned readings, computer-based activities, writing assignments, role-playing, and classroom discussions.

There are few published sources of information on technology ethics intended for students. One exception is a textbook recently published by South-Western Publishing, entitled *Telecommunications: Concepts & Applications* (Cubler, Olivo, Jr., and Scrogan, 1991), which includes a section

specifically focusing on ethics in telecommunications. Exsym, Inc. (1987) publishes *Ethics: Online*, a kit designed to help schools to teach telecommunications ethics. The kit includes a software demonstration disk for illustrating ethics topics during classroom discussion, a set of positive ethical guidelines, information on legal consequences of illegal online behavior, and a set of ethical issues cards that can be used to stimulate role-playing, group discussion, or student writing. Exsym also publishes *The Electronic Village* (1989) and *The Electronic Mailbag* (1990), which introduce electronic bulletin boards and e-mail systems, respectively. Both products cover ethical issues.

The Computing Teacher, ISTE's monthly journal, published articles in 1984 that discussed and provided examples of two valuable instructional techniques:¹⁵ student role playing and classroom discussions based on scenarios that involve technology and present dilemmas with no easy solution.¹⁶ The information in these articles can still be applied to technology ethics instruction today. For example, one role playing exercise involves a situation in which a student named Andy has purchased a popular computer game. A friend, who has given Andy copies of other games in the past, asks him for a copy. Other participants in the situation include a student whose mother developed the computer game and another student who is knowledgeable about copyright law. Groups of four students role play the situation and then report the results to the whole class.

Some districts have developed their own materials. For example, a San Antonio, Texas, district includes in its middle school computer literacy curriculum a passage on computer crime that ends with several ethical questions. The passage is presented as a word processing file with many words deliberately misspelled. Students first use the passage to practice spell-checking and then go on to answer the ethical questions (Paschal et al., undated).

To encourage the development and sharing of strategies for technology ethics instruction, the Computer Learning Foundation (CLF) organized a contest for teachers, entitled *Teaching Children to be Responsible Computer Users*, as part of Computer Learning Month 1990. (See Box 4 for some of the best teaching ideas submitted by contest participants.)

Box 4

Teaching Ideas from the Computer Learning Foundation's Responsible Computing Contest^a

First Place Idea: Elementary School Level

Develop a series of teaching units based on the Computer Learning Foundation's *Code of Responsible Computing* (or a code your school or district creates). In each unit, begin by introducing key concepts, including definitions, relevant legal and historical information (e.g., the right to privacy as addressed in the Bill of Rights and interpreted by the Supreme Court), and examples of personal relevance to students (e.g., other students going through their desks or lockers; someone borrowing their belongings without permission; a fellow student copying their school work). Then have students complete activity sheets that ask thought-provoking questions, such as:

How would you feel if your rights were violated? What should the consequences be for violators?

Should all people's property be respected and protected? What about their ideas and information stored on a computer? Are there any exceptions?

Activity sheets can also engage students in classification activities, such as classifying places and information sources as public or private (e.g., student's desk, principal's office, hallway, library book, personal letter), and classifying actions as requiring or not requiring permission (e.g., reviewing a classmate's story on disk, reading a bulletin on a bulletin board). Use the worksheets as a basis for whole class discussion.

First Place Idea: Secondary School Level

Involve students in a mock trial of a case involving unethical use of technology. Start by introducing the case and relevant concepts, such as court procedures and U.S. beliefs in trial by jury and in the presumed innocence of the accused until proven guilty

beyond a reasonable doubt. Then have students assume different roles—lawyers, judge, jury, witnesses, plaintiff, and defendant—with each student researching the issues and positions of their roles. To integrate writing practice into the activity, direct all students to take notes during the trial. Have the lawyers prepare and present opening and closing statements, and decide which witnesses to call. When the trial is completed, organize a debate of the case and related issues during the students' social studies class.

Other Winning Ideas

- Have students view the movie, *War Games*. Then have them rank the actions observed in the movie on a continuum from most harmful to least harmful. Also have students research and discuss news stories involving computer crime. Finally, hold a class discussion on the consequences of the computer crimes they identified—consequences for the victims and for the perpetrators.
- Review with the whole class different license agreements included in software packages. Discuss how these agreements relate to existing laws. Have students compare license policies of different companies.
- Develop a short musical presentation with raps, songs, and musical instruments to get students' attention while communicating the importance of responsible computing. One teacher had characters in a musical costumed in garbage bags with cardboard characters attached. The characters included "Computerbug," who deletes software and adds bugs to software programs; "Bender," who bends disks and snatches disks from the disk drive when the red/busy light on the disk drive is on; "Copycat," who copies everyone's disks and sends them to all of his friends; and "Snatcher," who takes information and ideas from other people's disks and from other computers with a modem over telephone lines and makes them his own. In each scenario, a talking computer monitor saves the day and explains to students why they want to keep these villains away from the computer.

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- Relate the teaching of computer ethics to the theme of pirates and Captain Hook. Have students prepare stories that are to be shared with other students in the class. After students submit their stories, present the stories on the bulletin board under the author, Captain Hook. Have the class discuss how it feels to have someone else take credit for their work. Also discuss the consequences if a present-day Captain Hook stole another person's ideas or work.
 - Have students list personal facts about their own lives and then discuss which facts they would be willing to share with people and organizations they don't know. Have them decide whether this information should be available for sale to others.
 - Have students conduct surveys of other students' attitudes about computer ethics issues.
 - Have students develop posters or billboards to communicate positive ethical messages and standards regarding technology use to other students in the school.
 - Issue student *technology licenses* after students have been introduced to and can demonstrate an understanding of responsible use of technology. Require these licenses for students' use of the computer lab during class or study halls. Suspend licenses for violations of responsible computing, with the length of time dependent on the severity of the infraction.
 - Invite speakers whose professions involve information technology for the school's career day, and ask them to address ethical issues in their presentations.

^a The information for this box was provided by Sally Bowman, Executive Director, Computer Learning Foundation. The winning entry for the elementary school level competition was submitted by Donald Bullock, Knolls Elementary School, Simi Valley, CA. The winning entry for the secondary school level competition was submitted by Alleeta Baltes, Arapahoe School District #38, Arapahoe, WY. Other contributing teachers included: David Heath, Friends School of Baltimore, Baltimore, MD; Jeanine DeLay, Greenhills School, Ann Arbor, MI; Margaret Snyder, All

Saints Catholic, Pottsville, PA; Pamela Mitchell, Pleasant County Middle School, Belmont, WV; Suzy Bagley, Kaley Elementary School, Orlando, FL; Louise Kaan, Dildine Elementary School, Cheyenne, WY; and Robbi Ray, Bruce Middle School, Louisville, KY.

Another learning activity idea comes from CLF's *Storybook on Responsible Computing* competition for students.¹⁷ Teachers prepared students for writing by introducing the CLF *Code of Responsible Computing*¹⁸ and leading class discussions on the different legal and ethical issues addressed in the Code. Then the students were directed to create storybooks (fiction or non-fiction) with the theme of responsible computing. Storybooks included heroes and heroines championing positive computer ethics; student fables, each with a moral involving computer ethics; and serious essays on the importance of responsible computing.

Some advocates of technology ethics instruction recommend that students gain experience with the decisionmaking involved in running a computer network. They suggest that groups of students run a class-wide electronic bulletin board and e-mail system on a rotating basis—and have the responsibility for deciding what should and should not be done on the network. This opens up the possibility of confronting—in a controlled environment—many of the technology ethics issues that occur in the real world.

Educators who have used hypothetical scenarios in elementary through junior high school find that the best scenarios are ones that compare technology abuse with familiar situations to which traditional values can be applied or that make it easy for students to identify with the victims of abuse. For example, a teacher who wanted her class to explore the ethics of unauthorized software copying, had her students imagine that they were members of a rock band that had been writing songs and practicing for two years, and finally had a hit recording. The teacher asked her students to discuss how they would feel if someone bought their CD and made copies for everyone they knew—or if a lot of people started making copies. She then moved the discussion to software copying, providing enough background information about software publishing so that the students could draw the ethical analogy.¹⁹ (See Box 5 for additional scenarios.)

Box 5

Scenarios to Stimulate Technology Ethics Classroom Discussion

Theft of Intellectual Property. A group of students develops a design for a new, exciting product (e.g., a toy). The plans are kept in one student's locker or are stored on a computer network. Someone breaks into the locker or network, steals the plans, and manufactures the toy.^a

Invasion of Privacy. A boy and a girl like each other a lot and have been exchanging love poems, either by passing notes in the school lunch room or by sending each other messages on a network e-mail system. Another student gets hold of the notes from the students' desks or invades the e-mail system and reads the poems.

Destruction of Private Property. A student has been working on a school report, stored as a file on a computer network. When she accesses the file, she discovers that every fifth word is missing—someone has messed with her file! After school, she goes to unlock her bike from the bike rack and discovers that the pedals are missing.

^a Carol Brummer, Canyon Middle School, New Braunsfel, TX, 1991, (personal communication).

At the high school level where students are capable of handling more complex issues, teachers may want students to explore emerging ethical dilemmas involving technology. Some issues to focus on might be

- the ability to combine information from different electronic data sources to develop data profiles on individuals or neighborhoods—usually for marketing purposes; permission for this use of the data is rarely sought or given
- the practice of some commercial computer network services to monitor and censor user communication on their electronic bulletin boards and e-mail systems

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- the reliance on computer-based systems for important societal functions (e.g., air traffic control), despite the fact that such systems are subject to both human error and mechanical failure (Forester and Morrison, 1990)
 - the possibility that government information may someday be available *only* in electronic form accessible via computer-based systems
 - the possibility that laws against unauthorized access or use of electronically-stored data may prevent "whistle-blowers" from informing journalists about corporate or government wrongdoing
 - the development of technology-based systems to replace human workers and the resulting problems related to job displacement

Issues such as these can be effectively introduced through scenarios. Deborah G. Johnson (1990), of the Department of Science and Technology Studies at Rensselaer Polytechnic Institute, recommends that scenarios should be presented in a context that includes extensive classroom discussion. She suggests that teachers should plan for such discussions by developing questions and discussion guidelines to accompany each scenario.

Informal Curriculum. Finally, it is important to remember that every classroom and computer lab has an informal technology ethics curriculum—the behavior of teachers whom students may emulate, and the rules for responsible technology use that students are required to follow. School policy—one that includes teacher education—can help ensure that teachers serve as models of legal and ethical behavior. Rules for ethical use of technology can become lifetime habits, especially if students understand and internalize the values behind the rules (Scrogan, February 1988).

SUMMARY

As the use of information technology continues to rise—both in our schools and throughout our society—the need to address the ethics of technology use grows. The potential for criminal abuse is on the rise, and some applications of technology challenge our nation's core values (e.g., the right to privacy; the right to free expression).

It is not new for our educational system to teach about ethics, but as the use of educational technology increases, so does the complexity of the task faced by educators. Although many of our traditional societal values can be extended to the use of information technology, the nature of this technology (e.g., the *psychological distance* it creates) may make it more likely that, without educational intervention, some individuals will act unethically. Adding to the challenge is many people's confusion about intellectual property rights, especially as they apply to information that is stored and disseminated electronically.

Schools have a vital role to play in helping our children understand how existing values, policies, and laws apply to a rapidly changing, information technology-dependent world. To be effective in this role, educational policy-makers must understand the ethical dilemmas and legal issues raised by each of the information technologies in use in schools. They must set realistic policies that comply with the law and that model ethical behavior for all involved. And they must educate teachers about important technology ethics issues and must clearly communicate related school policies to both faculty and students. Equally important, by incorporating the study of technology ethics into the standard curriculum, schools can ensure that the leaders and decisionmakers of tomorrow will be equipped to make the difficult ethical decisions they will undoubtedly face.

Endnotes

- ¹ Sending *electronic mail* is the computer equivalent to sending a personal letter. It typically involves only two parties and is usually intended as private rather than public communication.
- ² Communication via an *electronic bulletin board* typically involves more than two participants. Use of a bulletin board is usually thought of as a form of public communication.
- ³ A *virus* is a self-replicating program that causes erasures or alterations to computer programs or data files—usually ones stored on hard disks. Since a virus can copy itself onto other programs and onto floppy disks, it can travel from computer to computer, each time *infecting* the new machine (Forester and Morrison, 1990).
- ⁴ *Telecommunications*, as used here, refers to the use of a computer, connected to a device called a *modem*, to communicate with other computer-users or to access centralized databases over standard telephone lines. Students typically communicate via an online service that coordinates the activities of its users. Online services are run by for-profit companies, non-profit organizations, and sometimes by school districts themselves.
- ⁵ *Intellectual property rights* are the legal rights granted to authors, artists, inventors, and other "creators" (and sometimes their employers) to control the use and dissemination of their original ideas or their unique ways of expressing ideas (U.S. Congress, Office of Technology Assessment, April 1986). For a further discussion of intellectual property, see the section of this paper, *Confusion Over Intellectual Property*, beginning on page 6.
- ⁶ Richard C. Hollinger, 1991 (personal communication).
- ⁷ Transfer Agreement between the Department of Education and the National Institute of Justice, 1990 (unpublished document).
- ⁸ In 1989, ICCE became part of the International Society for Technology in Education (ISTE). The ICCE policy statement is available free of charge from ISTE, located at 1787 Agate Street, Eugene, OR 97403-1923.
- ⁹ The handout, titled *Is it okay for schools to copy software?*, is available free of charge from the SPA, located at 1730 M Street NW, Washington, DC 20036.

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- 10 *Comal Independent School District: Policy on Software Copyright*, New Braunsfel, TX: Comal Independent School District.
 - 11 Such an approach can help schools ensure that all students, regardless of ability or disability, have equal access to a variety of valuable technology-based learning experiences. While the equitable distribution of educational technology is not the focus of this paper, it is an important ethical issue that our society must address.
 - 12 For an explanation of the term, *fair use*, see Box 2: Information Technology and the Law, on pages 8-9.
 - 13 Len Scrogan, 1991 (personal communication).
 - 14 Paul Resta, 1991 (personal communication).
 - 15 The articles from the August/September 1984 edition of *The Computing Teacher* are "Ethics and Computer Use" by Kay Gilliland and Mattye Pollard, and "A Question of Ethics" by Larry S. Hannah and Charles B. Matus. Each is available from ISTE for a \$1 handling fee. (See footnote 8 for ISTE's address.)
 - 16 The first known use of scenarios in technology ethics education was by Donn Parker (1979) *Ethical conflicts in computer science and technology*. Menlo Park, CA: SRI International.
 - 17 The information about this CLF contest was provided by Sally Bowman, Executive Director, Computer Learning Foundation.
 - 18 The Computer Learning Foundation's *Code of Responsible Computing* provides guidelines for ethical use of technology. The Foundation can be contacted at P.O. Box 60007, Palo Alto, CA 94306-0007.
 - 19 Carol Brummer, Canyon Middle School, New Braunsfel, TX (personal communication).

REFERENCES

- Cerow, W.P. (1989) *Unethical & illegal computing practices: Parent and teacher awareness presentation*. Wayne P. Cerow, Cerow Investigations & Consultants, Inc.
- Cerow, W.P. (1989) *Unethical & illegal computing practices: Student awareness presentation*. Wayne P. Cerow, Cerow Investigations & Consultants, Inc.
- Computer Learning Foundation (1990-1991) Code of responsible computing. *Computer Learning Month*, p 10.
- Conly, C.H. (July 1989) Organizing for computer crime investigation and prosecution. *National Institute of Justice: Issues and Practices*. Washington, DC: U.S. Department of Justice, Office of Justice programs, National Institute of Justice.
- Conly, C.H and McEwen, J.T. (January/February, 1990) Computer Crime. *NIJ Reports, A Bimonthly Journal of the National Institute of Justice*, No. 218., pp. 2-7.
- Cubbler, C.D., Olivo, J.J., Jr., and Scrogan, L. (1991) *Telecommunications: Concepts & applications*. Cincinnati, OH: South-Western Publishing Co.
- DeMaio, H.B. (1991) Information ethics—it doesn't come naturally. *Computer Security Journal*, Vol. V, No. 1.
- DeMaio, H.B. (1990) Information ethics, a private perspective. Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.
- Dowdy, E. (August 1989) School computer networks: Electronic publishing and legal liability in the public school. Paper presented at the Annual Meeting of the Association for Education in Journalism and Mass Communication in Washington, DC.
- Exsym, Inc. (1990) *The electronic mailbag*. Portland, OR: Exsym, Inc.
- Exsym, Inc. (1989) *The electronic village*. Portland, OR: Exsym, Inc.

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- Exsym, Inc. (1987) *Ethics: Online*. Portland, OR: Exsym, Inc.
- Forester, T. and Morrison, P. (1990) *Computer ethics*. Cambridge, MA: The MIT Press.
- Friedman, B. (April 1990a) Moral responsibility and computer technology. Paper presented at the Annual Meeting of the American Educational Research Association in Boston, MA.
- Friedman, B. (April 1990b) Societal issues and school practices: An ethnographic investigation of the social context of school computer use. Paper presented at the Annual Meeting of the American Educational Research Association in Boston, MA.
- Gamble, L.R. and Anderson, L.S. (September 1989) Nine easy steps to avoid software copyright infringement. *NASSP Bulletin*, pp. 90-93.
- Gandy, O.H., Jr. (Summer 1989) The surveillance society: Information technology and bureaucratic social control. *Journal of Communication*, Vol. 39, No. 3, pp. 61-76.
- Gerboth, D.L., Hoenecke, J.B., and Briganti, R. (1989) *White collar crime: Loss prevention through internal control*. New York: Ernst & Young (prepared for the Chubb Group of Insurance Companies).
- Gilliland, K. and Pollard, M. (August/September 1984) Ethics and computer use. *The Computing Teacher*, pp. 19-23.
- Hannah, L.S. and Matus, C.B. (August/September 1984) A question of ethics. *The Computing Teacher*, pp. 11-14.
- Herig, J.A. (1989) *Computer crime in Florida: 1989*. Tallahassee, FL: Florida Department of Law Enforcement.
- Hollinger, R.C. (1990) Ethics, crime, and the computer revolution: A sociological overview. Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.

References 30

Hollinger, R.C. (1989) Statistics on computer crime: A review of the research questions. Invited paper presented to the National Institute of Justice, Professional Conference on Computer Crime, September 14-15, Washington, DC.

International Council for Computers in Education (February 1987) Code of ethical conduct for computer-using educators: An ICCE policy statement. *The Computing Teacher*, pp. 51-53.

International Society for Technology in Education (March 1987) 1987 statement on software copyright: An ICCE policy statement. *The Computer Teacher*, pp. 52-53.

Johnson, D.G. (1991) Computers and ethics. In L. Becker (ed.) *The Encyclopedia of Ethics*. Garland.

Johnson, D.G. (1990) A framework for thinking about computer ethics. (Unpublished paper.)

Martin, L.G. (1990) Unethical "computer" behavior: Who is responsible? Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.

McEwen, J.T. (December 1990) Computer ethics. (Unpublished e-mail document.)

McEwen, J.T. (June 1989) Dedicated computer crime units. *National Institute of Justice: Issues and Practices*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

National Center for Education Statistics. (1991) *The Condition of Education*, Vol. 1, pp. 56-57.

Parker, D. (1979) *Ethical conflicts in computer science and technology*. Menlo Park, CA: SRI International.

Paschal, L. et al. (undated) *Computer Literacy Curriculum Guide*. San Antonio, TX: North East Independent School District.

References 31

Purdy, S. (1990) Computer ethics: A law enforcement perspective. Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.

Reed, M.H. (July 1989) *Computer software: Copyright and licensing considerations for schools and libraries*. Syracuse, NY: ERIC Clearinghouse on Information Resources (ED308856).

Resta, P. (1990) Computer ethics and students: The educational challenge. Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.

Rosenblatt, K. (1990) In defense of privacy: A law enforcement perspective on the nature of computer intruders and how to deter them. Invited paper presented to the National Institute of Justice, Professional Conference on Information Technology Ethics, April 27-28, Washington, DC.

Salpeter, J. (January, 1988) Have it your way; how publishers respond to your needs, *Classroom Computer Learning (now Technology & Learning)*, pp. 34-43.

Scrogan, L. (February, 1988) The online underworld. *Classroom Computer Learning (now Technology & Learning)*, pp. 58, 60.

Software Publishers Association (1991) *Is it okay for schools to copy software?* Washington, DC: Software Publishers Association.

Thomas, J. and Meyer, G. (1990) In defense of the computer underground: Interpreting a cyber-culture. (Unpublished paper.)

U.S. Congress, Office of Technology Assessment (March 1990) *Computer software and intellectual property-Background paper*, OTA-BP-CIT-61. Washington, DC: U.S. Government Printing Office.

U.S. Congress, Office of Technology Assessment (April 1986) *Intellectual property rights in an age of electronics and information*, OTA-CIT-302. Washington, DC: U.S. Government Printing Office.

References 32

Appendix

List of Associations and Agencies to Contact for Further Information

Association for Computing
Machinery
11 W. 42nd Street 3rd Fl.
New York, NY 10036
212-869-7440

Association for Educational
Communication and Technology
Suite 820
1025 Vermont Avenue, N.W.
Washington, DC 20005
202-347-7834

Computer Learning Foundation
2165 Park Boulevard
Palo Alto, CA 94306
415-327-3347

Data Processing Management
Association
505 Busse Highway
Park Ridge, IL 60068
708-825-8124

Division of Technology
Development
Texas Education Agency
Contact: Connie Stout
1701 North Congress Ave.
Austin, TX 78701
512-463-9091

International Society for
Technology in Education
1787 Agate Street
Eugene, OR 97403-1923
503-346-4414

Institute for Certification
of Computer Professionals
Suite 268
220 E. Devon Avenue
Des Plaines, IL 60018
708-299-4227

Institute of Electrical and
Electronic Engineers
345 E. 47th Street
New York, NY 10017
212-705-7900

National School Board
Association
1680 Duke Street
Alexandria, VA 22314
703-838-6770

Software Publisher Association
Suite 700
1730 M Street, N.W.
Washington, DC 20036
202-452-1600

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS

To: AG. (THRU OJP/GURULE)

ODD: NONE

Date Received: 05-21-92 Date Due: NONE

Control #: X92052207957

Subject & Date

05-21-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULED FOR RELEASE ON MAY 31, 1992, ENTITLED
"FEDERAL AND STATE PRISONERS IN 1991," REPORTING THAT THE
NUMBER OF STATE AND FEDERAL PRISONERS GREW BY 48,384 LAST
YEAR AND REACHED ANOTHER RECORD HIGH AT YEAR'S END. ADVISES
THAT A COPY OF THIS RELEASE HAS BEEN TRANSMITTED TO PAO FOR
REVIEW, AND ALSO TO OLS.

Referred To: Date:
(1) OAG; 05-22-92
(2)
(3)
(4)

Referred To: Date:
(5)
(6)
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INTERIM BY:
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21 May 92

Remarks

CC INDICATED FOR OLS.
INFO CC: DAG, OPC.
(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:

5-22-92 TO KMM

FILE: PRESS RELEASES/NON-PAO

CROSS REFERENCES:

1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

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DEPARTMENT OF JUSTICE

Office of the Director

'92 MAY 21 P5:34

Washington, DC. 20531

EXECUTIVE SECRETARIAT

MAY 21 1992

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurule
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Federal and State Prison Population, 1991

Attached for your information is a Bureau of Justice Statistics news release scheduled for May 31 reporting that the number of state and federal prisoners grew by 48,384 last year and reached another record high at year's end. As of December 31 there were 823,414 men and women being held under state or federal jurisdiction. The increased number of drug-law convictions during the last decade has had a dramatic impact on the nation's prisons. Although about one out of every 13 new prisoners had been convicted of a drug offense during 1981, by the end of the decade almost one in three new admissions was for a drug-law violation. During this period, more than half of the prison admissions increase consisted of people convicted of drug crimes.

Last year's 6.2 percent prison population increase was the lowest such gain since 1984 but was still equivalent to an additional 930 new prison beds every week. In 1990 it was an average of 1,190 new beds weekly, and in 1989 it was 1,560 a week.

During 1991 prison populations decreased in New Mexico, West Virginia and Wyoming--but only by 187 inmates in all. Ten states told BJS their inmate populations grew by 10 percent or more, including Rhode Island, 15.9 percent; Washington State, 14.5 percent; New Hampshire, 14.2 percent and Arkansas, 13.9 percent.

The number of sentenced prisoners, that is, those inmates sentenced to more than a year, increased by more than 100 percent since 1985 in six states--Colorado, 130 percent; New Hampshire, 125 percent; Connecticut, 112 percent; New Jersey, 107 percent; Michigan, 105 percent and California, 104 percent.

From 1985 through 1991 California's net growth of 50,189 of sentenced inmates was the most among all 50 states. By the end of 1991 the total number of all prisoners in California reached 101,808, which was 13.5 percent of all state prisoners in the U.S.

State prisons were estimated to be operating from 16 percent to 31 percent above their capacities on December 31. In 36 states and the District of Columbia the number of prisoners met or exceeded the systems' highest reported capacity. Federal prisons were operating at 146 percent of their capacity, excluding those federal prisoners not housed in federal institutions.

Eighteen states and the District of Columbia said they had sent 12,225 prisoners to local jails or other facilities last year because their prisons were crowded. New Jersey, Tennessee and West Virginia held more than 10 percent of their state prisoners in local jails because of crowding.

At the end of last year the number of sentenced prisoners per 100,000 U.S. residents was 310, a new record. This incarceration rate was highest in the South, 332, followed by the West, 290; the Midwest, 254 and the Northeast, 248 per 100,000 inhabitants. Four states had more than 400 sentenced prisoners per 100,000 population--Nevada, 477; South Carolina, 473; Louisiana, 466 and Oklahoma, 414.

The number of federal and state female prisoners (47,691 inmates) increased by 7.8 percent last year, compared to the 6.1 percent growth in male prisoners, but overall the rate of incarcerated males (599 per 100,000 U.S. male inhabitants) was 18 times higher than for females (34 per 100,000 female inhabitants). As of December 31, women accounted for 5.8 percent of all prisoners in the country.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, MAY 31, 1992

BJS
202-307-0784

FEDERAL AND STATE PRISONERS IN 1991

WASHINGTON, D.C. -- The number of state and federal prisoners grew by 48,384 last year and reached another record high at year's end, the Bureau of Justice Statistics (BJS) said today. As of December 31 there were 823,414 men and women being held under state or federal jurisdiction, said BJS, a Department of Justice component in the Office of Justice Programs. At the end of 1980 there were 329,821 such inmates.

"The increased number of drug-law convictions during the last decade has had a dramatic impact on the nation's prisons," commented BJS Director Steven D. Dillingham. "Although about one out of every 13 new prisoners had been convicted of a drug offense during 1981, by the end of the decade almost one in three new admissions was for a drug-law violation. During this period, more than half of the prison admissions increase consisted of people convicted of drug crimes."

Last year's 6.2 percent prison population increase was the

-MORE-

lowest such gain since 1984 but was still equivalent to an additional 930 new prison beds every week. In 1990 it was an average of 1,190 new beds weekly, and in 1989 it was 1,560 a week.

BJS noted that during 1991 prison populations decreased in New Mexico, West Virginia and Wyoming--but only by 187 inmates in all. Ten states told BJS their inmate populations grew by 10 percent or more, including Rhode Island, 15.9 percent; Washington State, 14.5 percent; New Hampshire, 14.2 percent and Arkansas, 13.9 percent.

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The number of federal and state female prisoners (47,691 inmates) increased by 7.8 percent last year, compared to the 6.1 percent growth in male prisoners, but overall the rate of incarcerated males (599 per 100,000 U.S. male inhabitants) was 18 times higher than for females (34 per 100,000 female inhabitants). As of December 31, women accounted for 5.8 percent

-MORE-

of all prisoners in the country.

Single copies of the BJS bulletin, Prisoners in 1991, (NCJ-134729) as well as other BJS publications and data may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277. For additional information and statistics on drugs and crime issues contact BJS's Drugs and Crime Data Center and Clearinghouse on 1-800-666-3332.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

#



Bureau of Justice Statistics Bulletin

Prisoners in 1991

By
Tracy L. Snell
BJS Statistician
and
Danielle C. Morton
Statistical Assistant

The number of prisoners under the jurisdiction of Federal or State correctional authorities at yearend 1991 reached a record high of 823,414. The States and the District of Columbia added 44,208 prisoners; the Federal system, 4,176. The increase for 1991 brings total growth in the prison population since 1980 to 493,593 — an increase of about 150% in the 11-year period (table 1).

The 1991 growth rate (6.2%) was less than the percentage increase recorded during 1990 (8.7%), and the number of new prisoners added during 1991 was 13,679 less than the number added during the preceding year (62,063). The 1991 increase

translates into a nationwide need for approximately 900 prison bedspaces per week, compared to the nearly 1,200 prison bedspaces per week needed in 1990.

Prisoners with sentences of more than 1 year (referred to as "sentenced prisoners") accounted for 96% of the total prison population at the end of 1991, growing by 6.8% during the year (table 2). The remaining prisoners had sentences of a year or less or were unsentenced (for example, those awaiting trial in States with combined prison-jail systems).

The number of sentenced Federal prisoners increased at a faster rate than sentenced prisoners in the States during 1991 (12.3% versus 6.4%). While the rate of increase in the number of sentenced prisoners for State systems was lower than in 1990 (6.4% and 8.7%), the rate of increase in the Federal system was higher (12.3% and 7.7%).

The number of Federal prisoners with no sentences or sentences of less than a year decreased by 2,058 during 1991 (from 16,622 to 14,564), while the number of sentenced prisoners increased by 6,234.

Prison populations in New Mexico, West Virginia, and Wyoming decreased during 1991. The decrease in these 3 States totaled only 187 inmates. The highest percentage increases during 1991 were reported for Rhode Island (15.9%), Washington (14.5%), New Hampshire (14.2%), and Arkansas (13.9%). Ten States reported total prisoner population increases of 10% or more since yearend 1990.

California's increase of about 4,500 prisoners during the year was the largest gain in the number of prisoners for any single jurisdiction; however, 1991 was the first year since 1977 when California's rate of increase fell below the national average.

May 1992

This Bulletin presents counts of the Nation's prisoners at the end of 1991. The 1991 increase of over 48,000 prisoners equals a demand for approximately 900 new prison beds per week nationwide. State prisons were estimated to be operating from 16% to 31% above their capacities at yearend.

The 1991 growth rate was the lowest annual percentage change since 1984. During 1991, 12 States and the Federal prison system experienced growth of 10% or more in the number of sentenced prisoners. By contrast, in 1989, a year of peak growth, 29 States and the Federal system experienced such an increase. The number of sentenced prisoners increased more in 1991 than in any year from 1985 to 1988 but less than in the record years of 1989 and 1990.

The Bureau of Justice Statistics expresses its appreciation to the departments of corrections in the 50 States, the District of Columbia, and the Federal Prison System, that make it possible for us to gather and report data on the Nation's prisoners.

Steven D. Dillingham, Ph.D.
Director

Table 1. Change in the State and Federal prison populations, 1980-91

Year	Number of inmates	Annual percent change	Total percent change since 1980
1980	329,821		
1981	369,930	12.2%	12.2%
1982	413,806	11.9	25.5
1983	436,855	5.6	32.5
1984	462,002	5.8	40.1
1985	502,752	8.8	52.4
1986	545,378	8.5	65.4
1987	585,292	7.3	77.5
1988	631,990	8.0	91.6
1989	712,967	12.8	116.2
1990	775,030	8.7	135.0
1991	823,414	6.2	149.7

Note: All counts are for December 31 of each year and may reflect revisions of previously reported numbers.

Table 2. Prisoners under the jurisdiction of State or Federal correctional authorities, by region and jurisdiction, yearend 1990 and 1991

Region and jurisdiction	Total			Sentenced to more than 1 year			
	Advance 1991	Final 1990	Percent change, 1990-91	Advance 1991	Final 1990	Percent change, 1990-91	Incarceration rate, 1991*
U.S. total	823,414	775,030	6.2%	789,609	739,549	6.8%	310
Federal	71,608	67,432	6.2	57,044	50,810	12.3	22
State	751,806	707,598	6.2	732,565	688,739	6.4	287
Northeast	131,813	123,392	6.8%	127,934	119,063	7.5%	248
Connecticut	10,977	10,500	4.5	8,585	7,771	10.5	262
Maine	1,621	1,523	6.4	1,600	1,480	8.1	127
Massachusetts	9,058	8,273	9.5	8,998	7,899	13.9	150
New Hampshire	1,533	1,342	14.2	1,533	1,342	14.2	132
New Jersey	23,483	21,128	11.1	23,483	21,128	11.1	300
New York	57,862	54,895	5.4	57,862	54,895	5.4	319
Pennsylvania	23,388	22,290	4.9	23,388	22,281	5.0	192
Rhode Island	2,772	2,392	15.9	1,749	1,586	10.3	172
Vermont	1,119	1,049	6.7	738	681	8.4	125
Midwest	155,469	145,793	6.6%	155,140	145,480	6.6%	254
Illinois	29,115	27,516	5.8	29,115	27,516	5.8	246
Indiana	13,008	12,736	2.1	12,876	12,615	2.1	226
Iowa	4,145	3,967	4.5	4,145	3,967	4.5	144
Kansas	5,903	5,777	2.2	5,903	5,777	2.2	230
Michigan	36,423	34,267	6.3	36,423	34,267	6.3	387
Minnesota	3,472	3,176	9.3	3,472	3,176	9.3	78
Missouri	15,411	14,943	3.1	15,411	14,943	3.1	294
Nebraska	2,506	2,403	4.3	2,389	2,286	4.5	146
North Dakota	492	483	1.9	441	435	1.4	68
Ohio	35,750	31,822	12.3	35,750	31,822	12.3	323
South Dakota	1,374	1,341	2.5	1,374	1,341	2.5	190
Wisconsin	7,870	7,362	6.9	7,841	7,335	6.9	158
South	301,265	284,029	6.1%	291,807	275,217	6.0%	332
Alabama	16,760	15,665	7.0	16,400	15,365	6.7	392
Arkansas	7,709	6,766	13.9	7,667	6,718	14.1	314
Delaware	3,721	3,471	7.2	2,406	2,241	7.4	342
District of Col.	10,251	9,947	3.1	6,893	6,798	1.4	1,168
Florida	46,533	44,387	4.8	46,531	44,380	4.8	346
Georgia	23,644	22,345	5.8	22,859	21,605	5.8	342
Kentucky	9,799	9,023	8.6	9,799	9,023	8.6	261
Louisiana	20,464	18,599	10.0	20,307	18,599	9.2	466
Maryland	19,291	17,848	8.1	17,824	16,734	6.5	366
Mississippi	9,070	8,375	8.3	8,848	8,084	9.5	335
North Carolina	18,899	18,411	2.7	18,288	17,764	2.9	270
Oklahoma	13,376	12,285	8.9	13,376	12,285	8.9	414
South Carolina	18,312	17,319	5.7	17,173	16,208	6.0	473
Tennessee	11,502	10,388	10.7	11,502	10,388	10.7	227
Texas	51,677	50,042	3.3	51,677	50,042	3.3	297
Virginia	18,755	17,593	6.6	18,755	17,418	7.7	297
West Virginia	1,502	1,565	-4.0	1,502	1,565	-4.0	82
West	163,259	154,384	5.7%	157,684	148,979	5.8%	290
Alaska	2,720	2,622	3.7	1,841	1,851	-.5	344
Arizona	15,415	14,261	8.1	14,843	13,781	7.7	398
California	101,808	97,309	4.6	98,515	94,122	4.7	320
Colorado	8,347	7,671	8.8	8,347	7,671	8.8	247
Hawaii	2,688	2,533	6.1	1,979	1,708	15.9	172
Idaho	2,211	1,961	12.7	2,211	1,961	12.7	212
Montana	1,478	1,425	3.7	1,478	1,425	3.7	182
Nevada	5,879	5,322	10.5	5,879	5,322	10.5	477
New Mexico	3,119	3,187	-2.1	3,016	3,067	-1.7	191
Oregon	6,760	6,492	4.1	6,760	6,492	4.1	229
Utah	2,624	2,496	5.1	2,605	2,474	5.3	149
Washington	9,156	7,995	14.5	9,156	7,995	14.5	183
Wyoming	1,054	1,110	-5.0	1,054	1,110	-5.0	225

Note: The advance count of prisoners is conducted immediately after the calendar year ends. Prisoner counts for 1990 may differ from those reported in previous publications. Counts for 1991 are subject to revision as updated figures become available. Explanatory notes for each jurisdiction are reported in the appendix.

*The number of prisoners with sentences of more than 1 year per 100,000 resident population.

Rates of Incarceration Increase

On December 31, 1991, the number of sentenced prisoners per 100,000 residents was 310, also a new record. Eleven of the 18 jurisdictions with rates greater than the rate for the Nation were located in the South, 4 were in the West, 2 were in the Midwest, and 1 was in the Northeast.

Since 1980 the number of sentenced inmates per 100,000 residents has risen 123%, from 139 to 310. During this period, per capita incarceration rates have grown most rapidly in the Northeast, increasing by 185% (from 87 to 248), and the West, up by 176% (from 105 to 290). The per capita number of sentenced prisoners in the Midwest climbed 133% (from 109 to 254), and the rate rose 77% in the South (from 188 to 332). The number of sentenced Federal prisoners per 100,000 U.S. residents has increased 144% (from 9 to 22) over the same period.

Prison populations in Northeastern States grow the fastest

Regionally, during 1991 the percentage increase in the number of sentenced prisoners was highest in the Northeastern States, with a gain of 7.5% (table 3). The number

of sentenced prisoners grew by 6.6% in the Midwest, 6.0% in the South and 5.8% in the West. The sentenced Federal prison population grew by 12.3%.

In 20 States the percentage change in the number of sentenced prisoners during 1991

was equal to or higher than that of 1990. Among these jurisdictions, nine had increases of at least 10%, led by Hawaii (15.9%), Arkansas (14.1%), and Massachusetts (13.9%).

Table 3. Annual change in the number of sentenced prisoners under the jurisdiction of State or Federal correctional authorities, by region and jurisdiction, year-end 1985 through 1991

Region and jurisdiction	Annual change						Annual percent change					
	85-86	86-87	87-88	88-89	89-90	90-91	1986	1987	1988	1989	1990	1991
U.S. total	41,614	38,593	44,791	75,554	58,232	50,060	8.6%	7.4%	8.0%	12.5%	8.5%	6.8%
Federal	3,836	2,992	2,584	5,061	3,642	6,234	11.7	8.2	6.5	12.0	7.7	12.3
State	37,778	35,601	42,207	70,493	54,590	43,826	8.4	7.4	8.1	12.5	8.7	6.4
Northeast	6,346	8,441	7,243	14,884	9,664	8,871	8.8%	10.7%	8.3%	15.7%	8.8%	7.5%
Connecticut	283	311	86	1,586	1,462	814	7.0	7.2	1.9	33.6	23.2	10.5
Maine	15	(4)	(18)	212	48	120	1.2	-3	-1.5	17.4	3.4	8.1
Massachusetts	236	576	483	813	631	1,099	4.6	10.7	8.1	12.6	8.7	13.9
New Hampshire	99	85	152	147	176	191	14.5	10.9	17.5	14.4	15.1	14.2
New Jersey ^a	685	3,949	967	2,503	1,689	2,355	6.0	32.9	6.1	14.8	8.7	11.1
New York	3,942	2,393	3,700	6,685	3,663	2,967	11.4	6.2	9.1	15.0	7.1	5.4
Pennsylvania	1,046	1,081	1,637	2,575	1,823	1,105	7.4	7.1	10.1	14.4	8.9	5.0
Rhode Island	44	(16)	188	290	117	163	4.6	-1.6	19.0	24.6	8.0	10.3
Vermont	(4)	66	48	73	55	57	-9	15.0	9.5	13.2	8.8	8.4
Midwest	7,481	8,141	9,507	15,795	9,434	9,660	7.9%	7.9%	8.6%	13.1%	6.9%	6.6%
Illinois	822	394	1,231	3,631	2,804	1,599	4.4	2.0	6.2	17.2	11.3	5.8
Indiana	196	671	637	949	395	261	2.0	6.7	6.0	8.4	3.2	2.1
Iowa	90	74	183	550	383	178	3.3	2.7	6.4	18.1	10.7	4.5
Kansas	613	436	154	(319)	161	126	13.0	8.2	2.7	-5.4	2.9	2.2
Michigan	2,987	3,137	3,733	4,027	2,628	2,156	16.8	15.1	15.6	14.6	8.3	6.3
Minnesota	119	84	253	304	73	296	5.1	3.4	9.9	10.9	2.4	9.3
Missouri	513	1,048	819	1,745	1,022	468	5.2	10.2	7.2	14.3	7.3	3.1
Nebraska	221	9	145	170	8	103	12.8	.5	7.4	8.1	.4	4.5
North Dakota	(14)	19	34	(10)	31	6	-3.7	5.3	8.9	-2.4	7.7	1.4
Ohio	1,599	1,777	2,222	4,076	1,284	3,928	7.7	7.9	9.2	15.4	4.2	12.3
South Dakota	13	83	(117)	236	85	33	1.3	7.9	-10.3	23.2	6.8	2.5
Wisconsin	322	409	213	436	560	506	6.0	7.2	3.5	6.9	8.3	6.9
South	11,683	8,823	13,143	23,669	22,448	16,590	6.0%	4.3%	6.1%	10.3%	8.9%	6.0%
Alabama	755	1,098	(245)	1,218	1,790	1,035	7.0	9.5	-1.9	9.9	13.2	6.7
Arkansas	90	740	520	345	172	949	2.0	15.7	9.6	5.8	2.6	14.1
Delaware	197	203	42	83	(43)	165	11.2	10.4	1.9	3.8	-1.9	7.4
District of Columbia	183	827	700	421	148	95	4.0	17.3	12.5	6.7	2.2	1.4
Florida	3,746	132	2,321	5,285	4,414	2,151	13.2	.4	7.2	15.2	11.0	4.8
Georgia	487	1,874	294	1,601	1,986	1,254	3.2	11.8	1.7	8.9	10.1	5.8
Kentucky	307	1,149	717	1,135	734	776	6.2	21.7	11.1	15.9	8.9	8.6
Louisiana	410	1,075	867	1,015	1,342	1,708	3.0	7.5	5.6	6.2	7.8	9.2
Maryland	256	353	660	1,806	1,356	1,090	2.1	2.8	5.1	13.3	8.8	6.5
Mississippi	353	158	532	449	384	764	5.7	2.4	7.9	6.2	5.0	9.5
North Carolina	366	(255)	133	377	1,136	524	2.3	-1.6	.8	2.3	6.8	2.9
Oklahoma	1,378	(69)	809	1,160	677	1,091	16.5	-7	8.4	11.1	5.8	8.9
South Carolina	1,114	840	1,040	1,906	1,400	965	11.2	7.6	8.8	14.8	9.5	6.0
Tennessee	464	48	2,136	855	(242)	1,114	6.5	.6	28.0	8.7	-2.3	10.7
Texas	1,002	287	1,616	3,585	6,020	1,635	2.7	.7	4.2	8.9	13.7	3.3
Virginia	828	386	997	2,345	1,145	1,337	7.1	3.1	7.7	16.8	7.0	7.7
West Virginia	(253)	(23)	4	83	29	(63)	-14.7	-1.6	.3	5.7	1.9	-4.0
West	12,268	10,196	12,314	16,145	13,044	8,705	14.4%	10.5%	11.5%	13.5%	9.6%	5.8%
Alaska	136	101	95	46	(57)	(10)	8.9	6.1	5.4	2.5	-3.0	-.5
Arizona	765	1,520	1,020	1,148	1,055	1,062	9.2	16.8	9.7	9.9	8.3	7.7
California	9,399	7,087	8,968	10,558	9,784	4,393	19.4	12.3	13.8	14.3	11.6	4.7
Colorado ^b	516	869	1,070	1,232	353	676	14.2	20.9	21.3	20.2	4.8	8.8
Hawaii	93	11	(22)	242	(49)	271	6.5	.7	-1.4	16.0	-2.8	15.9
Idaho	104	(13)	149	266	111	250	7.7	-.9	10.4	16.8	6.0	12.7
Montana	(18)	96	64	57	97	53	-1.6	8.6	5.3	4.5	7.3	3.7
Nevada	780	(117)	447	231	210	557	20.7	-2.6	10.1	4.7	4.1	10.5
New Mexico	194	280	137	36	(53)	(51)	9.2	12.1	5.3	1.3	-1.7	-1.7
Oregon	394	687	534	753	336	268	9.0	14.4	9.8	12.6	5.5	4.1
Utah	122	92	107	424	106	131	7.5	5.3	5.8	21.8	4.5	5.3
Washington	(316)	(472)	(315)	1,112	1,067	1,161	-4.6	-7.1	-5.1	19.1	15.4	14.5
Wyoming	99	55	60	40	84	(56)	13.0	6.4	6.6	4.1	8.2	-5.0

Note: Sentenced prisoners are those with sentences of more than 1 year.
() Indicates a decline in the number of sentenced prisoners.

^aIn 1987 New Jersey began to include in its jurisdiction count the number of State-sentenced prisoners held in local jails because of prison crowding.

^bColorado revised its numbers from 1985 to 1990.

Since December 31, 1985, net gains in the number of sentenced prisoners have averaged about 1,000 prisoners per week — a gain of about 912 State prisoners and 78 Federal prisoners per week over the period. The largest net gains have occurred in the South (309 inmates per week) followed by the West (233), the Midwest (192), and the Northeast (178). During 1991 the average growth in the number of sentenced State and Federal prisoners was equal to a demand for 963 additional bed-spaces per

week, about 153 fewer than the average weekly growth in 1990 and nearly 500 per week less than in 1989.

The sentenced prisoner population increased in seven States by 90% or more since 1985: California (104%), Colorado (130%), Connecticut (112%), Kentucky (97%), Michigan (105%), New Hampshire (125%), and New Jersey (107%). California's increase of 50,189 sentenced prisoners since 1985 accounts for 68% of the increase for the West and 18% of the in-

crease among all States over the period. In 1985, 10.8% of the Nation's sentenced State prisoners were in California; in 1991, 13.4%. (For additional State comparisons, see table 4.)

Female prisoner population grows at a faster pace

The number of female inmates (47,691) increased at a faster rate during 1991 (7.8%) than the number of male inmates (6.1%) (table 5). The number of sentenced

Table 4. The prison situation among the States, yearend 1991

10 States with the largest 1991 prison populations	Number of inmates	10 States with the highest incarceration rates, 1991*	Prisoners per 100,000 residents	10 States with the largest percent increases in prison population			
				1990-91	Percent increase	1985-91*	Percent increase
California	101,808	Nevada	477	Rhode Island	15.9%	Colorado	129.8%
New York	57,862	South Carolina	473	Washington	14.5	New Hampshire	124.5
Texas	51,677	Louisiana	466	New Hampshire	14.2	Connecticut	112.3
Florida	46,533	Oklahoma	414	Arkansas	13.9	New Jersey	107.2
Michigan	36,423	Arizona	398	Idaho	12.7	Michigan	105.1
Ohio	35,750	Alabama	392	Ohio	12.3	California	104.0
Illinois	29,115	Michigan	387	New Jersey	11.1	Kentucky	96.7
Georgia	23,644	Maryland	366	Tennessee	10.7	Rhode Island	81.6
New Jersey	23,483	Florida	346	Nevada	10.5	Arizona	79.4
Pennsylvania	23,388	Alaska	344	Louisiana	10.0	Massachusetts	74.4

Note: The District of Columbia as a wholly urban jurisdiction is excluded.
*Prisoners with sentences of more than 1 year.

Table 5. Prisoners under the jurisdiction of State or Federal correctional authorities, by sex of inmate, yearend 1990 and 1991

	Men	Women
Total		
Advance 1991	775,723	47,691
Final 1990	730,795	44,235
Percent change, 1990-91	6.1%	7.8%
Sentenced to more than 1 year		
Advance 1991	745,510	44,099
Final 1990	699,064	40,485
Percent change, 1990-91	6.6%	8.9%
Incarceration rate, 1991*	599	34

*The number of prisoners with sentences of more than 1 year per 100,000 residents on December 31, 1991.

Table 6. Women under the jurisdiction of State or Federal correctional authorities, yearend 1991

Jurisdiction	Number of female inmates	Percent of all inmates	Percent change in female inmate population, 1990-91
U.S. total	47,691	5.8%	7.8%
Federal	5,654	7.9	7.6
State	42,037	5.6	7.8
States with at least 500 female inmates:			
California	6,302	6.2%	-3.1%
New York	3,368	5.8	25.2
Florida	2,639	5.7	-.9
Texas	2,483	4.8	13.1
Ohio	2,293	6.4	17.8
Michigan	1,734	4.8	2.7
Georgia	1,391	5.9	14.0
Illinois	1,257	4.3	6.3
Oklahoma	1,236	9.2	15.4
New Jersey	1,107	4.7	6.3
Pennsylvania	1,088	4.7	8.2
South Carolina	1,064	5.8	1.0
Alabama	1,055	6.3	10.5
North Carolina	1,020	5.4	7.9
Louisiana	995	4.9	28.4
Virginia	947	5.0	2.2
Arizona	939	6.1	12.5
Maryland	931	4.8	6.2
Missouri	821	5.3	5.7
District of Columbia	753	7.3	24.3
Indiana	706	5.4	3.7
Connecticut	660	6.0	-3.4
Massachusetts	610	6.7	4.8
Washington	539	5.9	23.9
Mississippi	533	5.9	19.0
Tennessee	518	4.5	32.8

male prisoners per 100,000 men in the resident population (599 per 100,000) was about 18 times that of sentenced female prisoners per 100,000 women in the resident population (34 per 100,000). At the end of 1991, women accounted for 5.8% of prisoners nationwide (table 6).

Overall, the 1991 growth rate in the number of female inmates (7.8%) was less than that for 1990 (8.9%). The rate of growth of female inmates declined in the West, from 7.9% in 1990 to .4% in 1991. This lower growth rate offset the higher growth rates in 1991 in the Northeast, Midwest, and South.

	Percent increase in female inmate population	
	1990-91	1989-90
U.S. total	7.8%	8.9%
Federal	7.6	18.5
State	7.8	7.7
Northeast	14.6	9.2
Midwest	7.6	6.3
South	10.0	7.8
West	.4	7.9

In 1991, 26 States, the District of Columbia, and the Federal system had more than 500 female inmates. Among these jurisdictions, 12 had increases of at least 10%, led by Tennessee's increase of 32.8% (from 390 in 1990 to 518 in 1991). New York's increase during 1991, 677 inmates, accounted for 19.6% of the nationwide increase of 3,456.

Local jails held more than 12,000 because of State prison crowding

At the end of 1991, 21 jurisdictions reported a total of 12,225 State prisoners held in local jails or other facilities because of crowding in State facilities (table 7).¹ Three States — Alabama, New Jersey, and Tennessee — accounted for more than half of the prisoners sentenced to prison but incarcerated locally. Three States — New Jersey, Tennessee, and West Virginia — held more than 10% of their State-sentenced prisoners in local jails because of State facility crowding. Overall, 1.5% of the State prison population was confined in local jails on December 31, 1991, because of prison crowding.

¹ State prisons include the District of Columbia.

Prison capacity estimates are difficult to compare

The extent of crowding in the Nation's prisons is difficult to determine precisely because of the absence of uniform measures for defining capacity. A wide variety of capacity measures is in use among the 52 reporting jurisdictions because capacity may reflect both available space to house inmates and the ability to staff and operate an institution. To estimate the capacity of the Nation's prisons, jurisdictions were asked to supply up to three measures for yearend 1991 — rated, operational, and

design capacities. These measures were defined as follows:

- Rated capacity is the number of beds or inmates assigned by a rating official to institutions within the jurisdiction.
- Operational capacity is the number of inmates that can be accommodated based on a facility's staff, existing programs, and services.
- Design capacity is the number of inmates that planners or architects intended for the facility.

Table 7. State prisoners held in local jails because of prison crowding, by State, yearend 1990 and 1991

States housing prisoners in local jails	Prisoners held in local jails			
	Number		As a percent of all prisoners	
	1990	1991	1990	1991
U.S. total	17,574	12,225	2.3%	1.5%
Alabama	858	1,245	5.5	7.4
Arizona ^a	52	49	.4	.3
Arkansas	777	87	11.5	1.1
Colorado ^a	653	81	8.5	1.0
District of Columbia	826	477	8.3	4.7
Idaho	123	103	6.3	4.7
Indiana ^a	757	773	5.9	5.9
Kentucky	693	866	7.7	8.8
Louisiana	4,493	...	24.2	...
Maine	10	2	.7	.1
Massachusetts ^a	430	785	5.2	8.7
Mississippi	775	847	9.3	9.3
New Jersey	2,741	3,523	13.0	15.0
Oklahoma	210	434	1.7	3.2
Oregon	61	0	.9	0
South Carolina	443	418	2.6	2.3
Tennessee	1,869	2,046	18.0	17.8
Utah	0	94	0	3.6
Vermont ^b	34	20	3.2	1.8
Virginia	1,569	0	8.9	0
West Virginia ^a	102	287	6.5	19.1
Wisconsin	98	88	1.3	1.1

... No data available.

^aFor States not including jail backups in their jurisdiction counts, the percentage of jurisdiction population was calculated using the total number of State inmates in jail and prison.

^bIncludes inmates housed in other States as a result of prison crowding.

Of the 52 reporting jurisdictions, 36 supplied rated capacities, 44 provided operational capacities, and 37 submitted design capacities (table 8). As a result, estimates of total capacity and measures of the relationship

to population are based on the highest and lowest capacity figures provided. (Twenty-two jurisdictions reported 1 capacity measure or gave the same figure for each capacity measure they reported.)

Most jurisdictions are operating above capacity

Prisons generally require reserve capacity to operate efficiently. Prison dormitories and cells need to be maintained and repaired periodically, special housing is needed for protective custody and disciplinary cases, and space may be needed to cope with emergencies. At the end of 1991, eight States reported they were operating below 95% of their highest capacity. Forty-five jurisdictions and the Federal prison system reported operating at 100% or more of their lowest capacity; 38 of these held populations that met or exceeded their highest reported capacities.

Table 8. Reported Federal and State prison capacities, yearend 1991

Region and jurisdiction	Rated capacity	Operational capacity	Design capacity	Population ^a as a percent of	
				Highest capacity	Lowest capacity
Federal^b	43,753	...	...	146	146
Northeast					
Connecticut	9,935	10,928	...	100	110
Maine	1,193	1,193	1,193	136	136
Massachusetts	...	...	5,650	160	160
New Hampshire	1,318	1,542	1,162	99	132
New Jersey	...	...	14,898	155	155
New York	58,687	55,699	48,363	99	120
Pennsylvania	...	...	15,915	147	147
Rhode Island	3,042	3,042	2,789	91	99
Vermont	647	862	647	130	173
Midwest					
Illinois	23,961	23,961	20,217	122	144
Indiana	11,934	14,211	...	92	109
Iowa	3,003	3,003	3,003	138	138
Kansas	...	6,622	...	89	89
Michigan	26,209	...	...	139	139
Minnesota	3,414	3,414	3,414	102	102
Missouri	15,056	15,411	...	100	102
Nebraska	...	...	1,706	147	147
North Dakota	...	576	576	85	85
Ohio	...	...	20,783	172	172
South Dakota	1,189	1,130	1,189	116	122
Wisconsin	6,497	6,497	6,497	121	121
South					
Alabama	14,604	14,604	14,604	115	115
Arkansas	...	7,335	...	105	105
Delaware	2,915	3,138	2,015	119	185
District of Columbia	9,788	9,508	8,101	105	127
Florida	53,652	47,572	36,470	87	128
Georgia	...	22,895	...	103	103
Kentucky	8,455	8,270	...	116	119
Louisiana	15,493	15,493	15,493	132	132
Maryland	...	18,880	13,984	102	138
Mississippi	8,524	8,098	8,524	106	112
North Carolina	16,126	19,646	...	96	117
Oklahoma	8,964	11,243	...	119	149
South Carolina	16,138	16,138	12,335	114	149
Tennessee	9,409	9,349	9,642	98	100
Texas	47,770	50,698	62,212	83	108
Virginia	13,970	13,970	13,970	134	134
West Virginia	1,585	1,644	1,736	87	95
West					
Alaska	2,523	2,602	...	105	108
Arizona	...	14,994	...	103	103
California	...	...	55,692	183	183
Colorado	...	7,416	6,239	112	133
Hawaii	...	2,569	1,658	105	162
Idaho	...	2,086	1,831	106	121
Montana	1,117	1,441	1,117	103	132
Nevada	6,166	6,166	5,014	95	117
New Mexico	3,236	3,236	3,236	96	96
Oregon	...	6,690	...	101	101
Utah	3,131	2,890	...	84	91
Washington	5,452	6,710	6,710	137	168
Wyoming	88	777	619	136	198

... Data not available.
^aExcludes inmates who had been sentenced to State prison but were held in local jails because of crowding and who were included in the total prisoner count.
^bExcludes prisoners housed in contract or other non-Federal facilities.

Overall, at the end of 1991 State prisons were estimated to be operating at 116% of their highest capacities and 131% of their lowest capacities (table 9). Prisons in Southern States were found to be operating closest to their reported capacity on each measure. The Federal system was estimated to be operating at 46% over capacity.

An increasing percentage of prisoners admitted for drug offenses

Underlying the 116% growth in the State prison population during the 1980's was a change in the offense distribution: In 1989 an estimated 29.5% of persons admitted to State prison were drug offenders, up from

7.7% in 1981 (table 11). The number of prison commitments for drug offenses grew six-fold, from 11,487 in 1981 to 87,859 in 1989, while the total number of commitments doubled, from 149,186 to 297,827. The increase in prisoners admitted for drug offenses accounted for more than half of the growth in the total admissions to State prisons.

Growth in the number of persons arrested for drug law violations and an increase in the rate of incarceration for drug offenses account for the change in the prison offense distribution. Between 1981 and 1989, the estimated number of adult arrests for drug law violations increased by 166.6%, from 468,056 to 1,247,763 (table 12).

The impact of this increase in arrests was compounded by a rise in the rate of incarceration. In 1981 there were 24 drug offenders admitted to State prison for every 1,000 adult arrests for drug violations (table 13). By 1989 the rate increased to 70 admissions per 1,000 adult arrests.²

Newly available data permit estimates of the probability of incarceration

Previous BJS Bulletins have reported the ratio of prison commitments to adult arrests for selected serious crimes. This ratio was designed as an alternative to population-based measures. While population-based incarceration rates take into account the number of sentenced prisoners and the size of the resident population in a jurisdiction, the prison admission-to-arrest ratios show the use of prison relative to those arrests that account for a substantial proportion of prison admissions.

In the numerator of this ratio was the total number of court commitments for all offenses; in the denominator was the

²The 1990 rate could not be calculated. Although the number of adult arrests for drug law violations in 1990 was 1,008,332, data on the number of drug offenders admitted to State prisons were not available.

Table 9. State prison population and capacity, by region, 1991

Region	Prison population	Highest capacity	Lowest capacity	Population as a percent of	
				Highest capacity	Lowest capacity
U.S. total	749,318	647,160	572,487	116%	131%
Northeast	131,452	112,717	100,552	116	131
Midwest	155,469	123,582	117,147	126	133
South	299,219	297,351	247,364	101	121
West	163,178	113,510	107,424	144	152

Note: Population counts exclude prisoners sentenced to State prison but held in local jails.

Table 10. Population as a percent of reported capacity for State prisons, 1985-91

	State prisons
Highest capacity 1991	647,160
Lowest capacity 1991	572,487
Net change in capacity, 1990-91	
Highest	48,665
Lowest	29,297
Population as a percent of capacity*	
Highest	
1985	105 %
1990	115
1991	116
Lowest	
1985	119%
1990	127
1991	131

Note: States were asked to report their rated, operational, and design capacities. Tabulations reflect the highest and lowest of the 3 capacities reported for 1985, 1990, and 1991. The Federal system did not report comparable capacity figures for 1991.

*Excludes inmates who had been sentenced to State prison but were held in local jails because of crowding and who were included in the total prisoner count.

Table 11. Court commitments to State prisons, by type of offense, 1960-89

Year	Number of court commitments			Percent admitted for	
	All offenses	Selected serious offenses	Drug offenses	Selected serious offense	Drug offenses
1960	74,952	40,924	3,148	54.6%	4.2%
1964	75,096	43,330	3,079	57.7	4.1
1970	67,304	39,777	6,596	59.1	9.8
1974	89,243	58,900	10,709	66.0	12.0
1978	112,874	72,578	9,481	64.3	8.4
1981	149,186	93,838	11,487	62.9%	7.7%
1982	164,648	105,539	13,336	64.1	8.1
1983	173,289	106,746	14,210	61.6	8.2
1984	166,927	87,971	18,529	52.7	11.1
1985	183,131	100,539	24,173	54.9	13.2
1986	203,315	106,740	33,140	52.5%	16.3%
1987	225,627	110,332	46,028	48.9	20.4
1988	245,310	112,843	61,573	46.0	25.1
1989	297,827	117,344	87,859	39.4	29.5

Note: Offenses include murder, manslaughter, sexual assault, robbery, aggravated assault, and burglary. Data for new court commitments for 1960-82 are from unpublished National Prisoner Statistics (NPS) reports on admissions and releases. Data for 1983-89 are from the National Corrections Reporting Program (NCRP).

estimated number of adult arrests for murder, nonnegligent manslaughter, rape, robbery, aggravated assault, and burglary.

Previously reported ratio = $\frac{\text{All new court commitments}}{\text{Number of arrests for 5 serious offenses}}$

Between 1960 and 1974 the prison admission-to-arrest ratio declined from 299 commitments per 1,000 adult arrests for the selected serious offenses to 155. In the late 1970's the ratio began to increase. By 1990, the ratio had more than doubled — to 367 court commitments per 1,000 adult arrests.

The previously reported ratio, however, should not be used as a measure of the probability of incarceration or as an

indicator of the certainty of punishment. Data recently available from the National Corrections Reporting Program (NCRP) demonstrate that the changing offense distribution heavily influenced changes in this ratio. Admissions for drug offenses accounted for more than half (51.4%) of the total increase in the number of admissions (148,641) between 1981 and 1989; admissions for the selected serious offenses accounted for 15.8% of the increase.

A more refined ratio that includes the same types of offenses in the numerator and denominator shows that the probability of incarceration for persons arrested for serious offenses has not increased steadily over time. The ratio of prison admissions for murder, manslaughter, sexual assault,

robbery, aggravated assault, and burglary to adult arrests for the same offenses increased from 100 commitments per 1,000 adult arrests in 1970 to 150 in 1983. The ratio fluctuated between 1984 and 1987 and then declined to 131 commitments per 1,000 adult arrests in 1989, which was below the level observed in 1981.

The data suggest that growth in the prison population before 1984 may have been linked to an increase in the probability of incarceration for serious offenses. Much of the growth since 1984, however, resulted from the doubling of the number of adult arrests for drug law violations and the tripling of the probability of incarceration for those arrestees.

Table 12. Estimated number of court commitments and adult arrests for selected serious offenses and drug offenses, 1960-90

Year	Estimated number of adult arrests		
	Selected serious offenses	All drug offenses	Drug trafficking
1960	250,465	—	—
1964	291,146	—	—
1970	395,679	322,314	—
1974	574,730	474,897	—
1978	616,656	479,950	86,391
1981	697,847	468,056	93,143
1982	754,742	584,850	119,309
1983	709,525	583,474	128,948
1984	679,032	623,719	137,218
1985	688,795	718,597	170,307
1986	757,587	742,687	186,414
1987	749,651	849,521	219,176
1988	840,633	1,050,576	287,858
1989	897,252	1,247,763	404,275
1990	881,466	1,008,332	318,633

Note: The number of adult arrests was derived from annual publications from the FBI on the number of murders/nonnegligent manslaughters, rapes, robberies, aggravated assaults, burglaries, and drug law violations reported to the public. The estimated number of adult arrests for these crimes was derived by multiplying the estimated total number of arrests by the percentage of known arrests of persons age 18 or older, as reported annually by the FBI. For 1960 and 1964, estimates of adult arrests were based on FBI data for total known arrests for those years and were weighted for reporting coverage. (See *Crime in the U.S., 1970*, tables 24 and 25.) The estimated number of adult arrests for drug trafficking was derived by multiplying the total number adult arrests for drug law violations by the percentage of arrests for sale or manufacture.
—Not available

Table 13. Court commitments to State prisons, relative to adult arrests for selected offenses, 1960-90

Year	Number of court commitments		
	For all offenses per 1,000 arrests for serious offenses	For selected serious offenses per 1,000 arrests for same offenses	For drug offenses per 1,000 arrests for all drug offenses
1960	299	163	—
1964	258	149	—
1970	170	100	20
1974	155	102	22
1978	183	118	20
1981	214	134	24
1982	218	140	23
1983	244	150	24
1984	246	130	30
1985	266	146	34
1986	268	141	45
1987	301	147	54
1988	292	134	59
1989	332	131	70
1990*	367	—	—

Note: Selected serious offenses include murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, and burglary.

—Not available.

*Data on the number of court commitments by type of offense were not available for 1990.

Methodological note

This Bulletin is based upon an advance count of prisoners conducted for the National Prisoner Statistics (NPS) program immediately after the end of each calendar year. A detailed, final count containing any revisions will be published at a later date.

Explanatory notes

Alabama. Capacity in community programs is not included in the reported capacity figures.

Alaska. Prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations.

Arizona. Population counts are based on custody data. Population counts exclude 46 male and 3 female inmates housed in local jails due to overcrowding. Other expedited releases consist of inmates released by Early Parole Review (A.R.S. 31-233J).

California. Population counts are based on custody data.

Colorado. Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a sentence of 1 year or less." Colorado revised the jurisdiction counts for 1985-90 to include inmates held in local jails due to overcrowding.

Connecticut. Prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations.

Delaware. Population counts are based on custody data. Prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations.

District of Columbia. In the District of Columbia, prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations. Female releases are included in the counts for male releases. Female capacities are included in the male capacities reported.

Federal. Population counts for "Unsentenced inmates" include those who come under the jurisdiction of the U.S. Immigration and Naturalization Service. Female capacities are included in the male capacities reported.

Florida. Population counts are based on custody data.

Georgia. Population counts are based on custody data. Population counts exclude an undetermined number of inmates housed in local jails solely to ease overcrowding, awaiting pick-up.

Hawaii. Prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations.

Illinois. Population counts are based on custody data. Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of inmates with sentence of 1 year or less."

Indiana. Population counts are based on custody data and exclude 773 inmates housed in local jails because of crowding.

Iowa. Population counts are based on custody data.

Kansas. Female capacities are included in the male capacities reported.

Maine. Female capacities are included in the male capacities reported.

Maryland. While population totals are actual manual counts, breakdowns for sentence length are estimates based on the actual sentence length breakdowns of Maryland's automated data system.

Massachusetts. Population counts are based on custody data. Population counts exclude 774 male and 11 female inmates housed in local jails because of crowding. Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a sentence of 1 year or less." Population totals are actual counts; however, the totals by sex are estimates believed to be within 0.1% of the actual counts.

Michigan. Population counts are based on custody data. Capacity figures exclude the capacities of the Community Residential Program.

Mississippi. Female capacities are included in the male capacities reported.

Nevada. Other expedited releases consist of inmates released through mandatory parole.

New Jersey. Other expedited releases consist of inmates released under the provisions of the Intensive Supervision Program. This program was designed in response to prison overcrowding and is an intermediate form of punishment between incarceration and probation. Each of the male capacity figures include 595 bedspaces in county facilities.

North Carolina. While population totals are actual counts, the breakdowns for sentence length are estimates believed to be accurate to within 1% of the actual counts. Population counts exclude inmates housed in county jails for which the state government had parole authority. These inmates are not under the jurisdiction of the North Carolina Division of Prisons. North Carolina had an undetermined number of releases due to overcrowding.

Ohio. Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a sentence of 1 year or less."

Oklahoma. Population counts for "Inmates with over 1 year maximum sentence" may include a small undetermined number of inmates with a sentence of 1 year.

Rhode Island. Prisons and jails form one integrated system. All NPS data include, therefore, both jail and prison populations.

Tennessee. Population counts are as of December 20, 1991. Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a sentence of 1 year or less." Population counts include 1,744 males and 102 females housed in local jails because of crowding in State prison facilities and exclude 2,736 felons sentenced to serve time in local jails.

Texas. Population counts are based on custody data. The courts have ordered that the Texas Department of Criminal Justice Institutional Division (TDCJ-ID) cannot house more inmates than 95% of capacity. Approximately 2,928 beds are exempt from this rule, and the inmates in these beds do not count toward the calculation of 95% capacity. The population counts include all inmates within TDCJ-ID; however, the capacity figures exclude the 2,928 exempt beds.

Vermont. Population counts are as of December 5, 1991. Prisons and jails form an almost completely integrated system. However, some county and municipal authorities do operate local lockups. NPS data include both jail and prison populations. The capacity figures exclude the 34 male inmates housed in local lockups.

Virginia. Starting December 31, 1991, Virginia no longer reports "Inmates with a sentence of 1 year or less."

Washington. Capacity figures exclude state work release facilities which housed 862 inmates on December 31, 1991. None of the work release capacity of 884 is specifically reserved for state inmates; capacity for inmates, parolees, probationers, and offenders serving partial confinement sentences is indistinguishable.

West Virginia. Population counts exclude 263 male and 24 female inmates housed in local jails because of crowding.

Wyoming. Population counts are based on custody data. Wyoming revised the June 30, 1991, female population counts. The male operational capacity figure is the absolute total bedspace available to Wyoming's Department of Corrections, and it includes 150 bedspaces in community centers not exclusively designated as male or female.

Danielle C. Morton and Tracy L. Snell wrote this report, under the supervision of Allen J. Beck and Lawrence A. Greenfeld. Tom Hester edited the report. Marilyn Marbrook, Betty Sherman, Jayne Pugh, and Yvonne Boston produced the report. Data collection and processing were carried out under the supervision of Lawrence S. McGinn and Gertrude Odom, assisted by Carol Spivey, U.S. Bureau of the Census.

NCJ-134729 May 1992

The Assistant Attorney General, Office of Justice Programs, is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Statistics, Office of Victims of Crime, National Institute of Justice, Bureau of Justice Assistance, and Office of Juvenile Justice and Delinquency Prevention. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

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92 MAY 11 P1:18

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Contact: JIM O'HARA
(202) 833-4244

MARY LOU MCCORMICK
(202) 833-4200

STEEL COMPANIES TO CHALLENGE UNFAIR TRADE PRACTICES

WASHINGTON--The six largest U.S. integrated producers of steel products confirmed today that they are beginning the process of consultation with the Department of Commerce and the International Trade Commission preliminary to the filing of cases against unfairly traded imported steel. The companies are USX-U.S. Steel, Bethlehem, LTV, National, Inland, and Armco. A decision on the timing of the filing is expected to be made in the near future. The cases involve dumped and subsidized imports of flat-rolled carbon steel products (hot-rolled sheets, cold-rolled sheets, galvanized and plate).

Unfairly traded imports have caused the layoff of tens of thousands of workers, the closing of dozens of plants, and the devastation of their communities and families. This has happened despite the U.S. steel industry's massive modernization program. In the past decade, the industry has invested more than \$25 billion in equipment, technologies and production processes.

Subsidized and dumped imports are causing serious injury to the domestic steel industry, according to the companies. Some foreign companies are selling their products at well below their fair value, and, in some cases, at below cost, the companies said.

-2-

In addition to the unfair dumping, numerous foreign governments have provided over the past twelve years more than \$100 billion in subsidies to their steel industries, the companies said. Subsidies and closed markets abroad have resulted in sales at less than fair value in the United States market, which, despite various voluntary restraint programs, remained the world's most open major market for steel imports.

President Bush announced in the Fall of 1989 that a global program of voluntary export restraints would lapse on March 31, 1992. He stated that "(t)hereafter, U.S. steel producers, like other American industries, will continue to rely on domestic trade laws as an ultimate assurance against the effects of foreign unfair trade practices. The Department of Commerce will continue rigorously to enforce the laws against injurious dumping and subsidization."

A multilateral steel agreement (MSA) to discipline future subsidization was to be negotiated, but formal negotiations have now been suspended. While an MSA might have eliminated future subsidies, it would have no effect on present dumping nor on the current injurious effects of subsidies already granted.

Specific company contacts are:

Tom Ferrall USX - U.S. Steel: (412) 433-6899, or
Bill Keslar (412) 433-6870
Henry Von Spreckelsen, Bethlehem Steel: (215) 694-5896
Mark Tomasch, LTV Steel: (216) 622-4635
Bob Toothman, National Steel: (412) 394-4358
Jack Morris, Inland: (312) 899-3168
Lee Bland, Armco: (201) 316-5200

DEPARTMENT OF JUSTICE
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04-30-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULE FOR MAY 10, 1992, REPORTING THAT THE
NATION'S STATE AND LOCAL LAW ENFORCEMENT AGENCIES ASSIGNED
APPROXIMATELY 18,700 LAW ENFORCEMENT OFFICERS FULL TIME TO
SPECIAL ANTI-DRUG UNITS DURING 1990. ADVISES THAT A COPY
OF THE RELEASE HAS BEEN TRANSMITTED TO PAO AND OLS.

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U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurule
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Police Drug Enforcement

RECEIVED
DEPARTMENT OF JUSTICE
92 MAY -6 A9:29
APR 20 1992

Attached for your information is a Bureau of Justice Statistics news release scheduled for May 10 reporting that the nation's state and local law enforcement agencies assigned approximately 18,700 law enforcement officers full time to special anti-drug units during 1990. About 10,500 officers were working on multijurisdictional task forces.

An estimated 3,270 local police and sheriffs' departments operated special drug units during 1990, as did 29 state police departments. About 6,000 local police officers, 3,500 sheriffs' department officers and 2,138 state police officers were assigned to these units.

In 1990 considerably more than half the agencies concerned with drug enforcement participated in drug task forces that coordinated the efforts of several law enforcement agencies in an area and often involved other governmental or private organizations. The 13 police departments serving a million or more people assigned an average of 29 officers full time to these multi-agency task forces. The 19 sheriff's departments serving at least one million population assigned an average of 10 officers each.

More than 90 percent of the state police departments and local police or sheriff's departments serving 250,000 residents or more received money or goods from a drug asset forfeiture program from midyear 1989 to midyear 1990. In these programs the government seizes cash, the contents of bank accounts, airplanes, boats, cars, houses and other goods gained from the illicit drug trade. Depending on state law, law enforcement agencies may use the forfeited property directly or may receive proceeds from the sale of such property.

Among the 11,800 local law enforcement agencies with primary responsibility for drug enforcement, 86 percent of local police departments and 94 percent of local sheriffs' offices made marijuana seizures during the year, compared to cocaine seizures made by 72 percent of the police and sheriffs' departments. Thirty percent of all drug arrests involved marijuana during calendar year 1990, according to the FBI's Uniform Crime Reports.

The percentages of local agencies which seized other types of drugs during the 12 months ending June 30, 1990, were as follows:

Cocaine powder	66% (of the agencies).
Cocaine crack	42
Amphetamines	40
Barbiturates	29
Methamphetamines	28
LSD	26
Heroin	17
Synthetic or designer drugs . .	12
PCP	11
Methaqualone	5
Morphine or opium	4

About two in five local police and sheriffs' departments and two in three state police departments reported that at least some of the persons they arrested were tested for illegal drugs, usually in a testing program operated outside the law enforcement agency.

In jurisdictions with 50,000 or more residents, more than two-thirds of the local police departments and one-third of the sheriffs' departments required a drug test of all officer applicants. About half of state police departments required all applicants for sworn positions to undergo a test for illegal drugs.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, MAY 10, 1992

BJS
202-307-0784

ALMOST 19,000 STATE AND LOCAL LAW OFFICERS FIGHT DRUGS FULL TIME

WASHINGTON, D.C. -- The nation's state and local law enforcement agencies assigned approximately 18,700 law enforcement officers full time to special anti-drug units during 1990, the Bureau of Justice Statistics (BJS) said today. BJS, a Department of Justice component in the Office of Justice Programs, said about 10,500 officers were working on multijurisdictional task forces.

"These statistics demonstrate that sheriffs' departments and local and state police agencies are giving drug enforcement a high priority," commented BJS Director Steven D. Dillingham. "According to our survey, an estimated 3,270 local police and sheriffs' departments operated special drug units during 1990, as did 29 state police departments. About 6,000 local police officers, 3,500 sheriffs' department officers and 2,138 state police officers were assigned to these units."

In 1990 considerably more than half the agencies concerned with drug enforcement participated in drug task forces that coordinated the efforts of several law enforcement agencies in an

-MORE-

area and often involved other governmental or private organizations. The 13 police departments serving a million or more people assigned an average of 29 officers full time to these multi-agency task forces. The 19 sheriff's departments serving at least one million population assigned an average of 10 officers each.

More than 90 percent of the state police departments and local police or sheriff's departments serving 250,000 residents or more received money or goods from a drug asset forfeiture program from midyear 1989 to midyear 1990. In these programs the government seizes cash, the contents of bank accounts, airplanes, boats, cars, houses and other goods gained from the illicit drug trade. Depending on state law, law enforcement agencies may use the forfeited property directly or may receive proceeds from the sale of such property.

Among the 11,800 local law enforcement agencies with primary responsibility for drug enforcement, 86 percent of local police departments and 94 percent of local sheriffs' offices made marijuana seizures during the year, compared to cocaine seizures made by 72 percent of the police and sheriffs' departments, BJS said. Thirty percent of all drug arrests involved marijuana during calendar year 1990, according to the FBI's Uniform Crime Reports.

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The percentages of local agencies which seized other types of drugs during the 12 months ending June 30, 1990, were as follows:

Cocaine powder	66% of the agencies.
Cocaine crack	42
Amphetamines	40
Barbiturates	29
Methamphetamines	28
LSD	26
Heroin	17
Synthetic or designer drugs . .	12
PCP	11
Methaqualone	5
Morphine or opium	4

About two in five local police and sheriffs' departments and two in three state police departments reported that at least some of the persons they arrested were tested for illegal drugs, usually in a testing program operated outside the law enforcement agency.

In jurisdictions with 50,000 or more residents, more than two-thirds of the local police departments and one-third of the sheriffs' departments required a drug test of all officer applicants. About half of state police departments required all applicants for sworn positions to undergo a test for illegal drugs.

In jurisdictions with a population of 1 million or more, all of the local police departments with a drug testing program reported that officers could be dismissed after one positive drug

test. Nationwide, 61 percent of local police departments, 69 percent of sheriffs' departments, and 77 percent of state police departments had such a policy. About 50 percent of state and local police departments and about 40 percent of sheriffs' departments offered treatment alternatives after one positive drug test.

Almost all state and local law enforcement agencies with a drug testing program authorized dismissal of officers who tested positive for illegal drugs a second time. Treatment alternatives were not generally available to officers with two positive tests.

These statistics came from the BJS Law Enforcement Management and Administrative Statistics survey, a nationally representative survey conducted every three years. The 1990 survey questionnaire was the first to collect information about drug enforcement activities.

Single copies of the special report, "Drug Enforcement by Police and Sheriffs' Departments, 1990" (NCJ-134505) as well as other BJS publications and data may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

Data from the tables and graphs used in the BJS report can be made available to news organizations in spreadsheet files on 5 $\frac{1}{4}$ " and 3 $\frac{1}{2}$ " diskettes by calling (202) 307-0784.

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After hours contact: Stu Smith 301-983-9354

FOIA # 60048 (URTS 16455) DocId: 70106662 Page 266

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Bureau of Justice Statistics Special Report

A LEMAS Report

Drug Enforcement by Police and Sheriffs' Departments, 1990

By Brian A. Reaves, Ph.D.
BJS Statistician

In 1990, about 9,300 local police departments and 2,500 sheriffs' departments had primary responsibility for the enforcement of drug laws. Collectively, these agencies employed 466,000 full-time officers, 92% of all local police and sheriffs' officers nationwide. In addition, 34 State police departments, employing 43,000 officers, had primary drug enforcement responsibilities.

This report presents information collected from State and local law enforcement agencies with primary drug enforcement responsibilities. It includes information on types of illegal drugs seized, operation of special drug units, multiagency task force participation, and receipts from drug asset forfeiture programs.

For all agencies the report also summarizes how drug testing policies apply to arrestees, applicants for sworn positions, and employees.

Major findings include the following:

- Among agencies with primary drug enforcement responsibilities that served 50,000 or more residents, over 90% of the police departments and over 80% of the sheriffs' departments operated special drug enforcement units.
- Nationwide, more than 16,000 local police and sheriffs' officers, and over 2,000 State police officers were assigned full time to special drug units.

May 1992

Few issues are as important in law enforcement today as how governments at all levels respond to the challenge to rid our society of illicit drugs. This report is drawn from the second triennial survey conducted by the Law Enforcement Management and Administrative Statistics program. The survey included new questions about drugs seized, drug enforcement techniques, and testing of arrestees and employees. State and local law enforcement agencies have provided a national understanding of the innovations in the fight against drugs — special drug enforcement units, interagency task forces, and drug asset forfeiture programs. We salute the departments in their cooperation with LEMAS and trust that this profile will prove valuable in their assessments and planning.

Steven D. Dillingham, Ph.D.
Director

- Half of local police and sheriffs' departments with primary drug enforcement responsibilities were participating in a multiagency drug enforcement task force. These 6,500 agencies had assigned nearly 10,000 officers full time to such task forces.
- Among departments with primary drug enforcement responsibilities, over 90% of the police departments serving a population of 50,000 or more, and over 90% of the sheriffs' departments serving 250,000 or more residents, received money or goods from an drug asset forfeiture program.

- Among the State police departments with primary drug enforcement responsibilities, 85% operated a special drug unit, 91% participated in a multiagency drug enforcement task force, and 94% received money or goods from drug asset forfeitures.

- About 2 in 3 State police departments and 2 in 5 local police and sheriffs' departments reported that at least some of the persons they arrested were required to take a test for illegal drugs.

- A majority of State police departments and local police departments serving a population of 25,000 or more required that all applicants for sworn positions take a test for illegal drugs.

- About 3% of local law enforcement officers worked for agencies that had a mandatory drug testing program for regular field officers; 17% were employed by agencies that had a random selection testing program for officers.

- Nonprobationary officers could be dismissed after one positive test in about two-thirds of local police and sheriffs' departments and in about three-fourths of State police departments. Nearly all departments had a policy specifying dismissal for two positive drug tests.

- Treatment alternatives were a part of the drug testing policy for employees in about half of State and local police departments and two-fifths of sheriffs' departments. Such alternatives were generally limited to the first positive test results only.

The LEMAS survey

The 1990 Law Enforcement Management and Administrative Statistics (LEMAS) survey questionnaire was mailed to all 780 State and local law enforcement agencies with 100 or more sworn officers and to a sample of 2,338 agencies with fewer than 100 officers. Of the 3,118 agencies receiving the LEMAS questionnaire, 2,945 (94.5%) responded. The survey used a sampling frame based on personnel data from the 1986 Directory Survey of Law Enforcement Agencies. (See *Methodology* for further discussion of sampling.)

The local police departments included in this report are general purpose agencies operated by municipal or county police governments. The State police departments included in this report are the primary general purpose agencies in all States except Hawaii, which does not have a State police department.

This report presents only data collected on drug-related policies. The BJS Bulletins *State and Local Police Departments, 1990* (NCJ-133284) and *Sheriffs' Departments, 1990* (NCJ-133283) present other data collected in the LEMAS survey.

The first section of this report, on drug enforcement activities, includes only agencies with primary drug enforcement responsibilities. Agencies involved in drug enforcement only in a backup capacity, or those whose responsibilities are limited to traffic enforcement, jail operation, court operations or other such duties are not included. The second section, on drug testing policies, includes all local police, sheriffs', and State police departments.

Drug enforcement activities

State and local law enforcement agencies made an estimated 1.1 million arrests for drug law violations during 1990, according to the Uniform Crime Reports (UCR) of the FBI. Excluding traffic violations, 1 in every 13 arrests made during the year was for a drug-related offense.

Local police and sheriffs' departments

During 1990, 77% of the Nation's local police and sheriffs' departments reported they had primary responsibility for the enforcement of drug laws in areas under their jurisdiction (table 1). These 11,800 agencies employed 466,000 full-time officers, 92% of all local officers nationwide.

Over 9,000 local police departments, employing 96% of all local police officers, reported they had primary drug enforcement responsibilities. Nearly all of the police departments in jurisdictions of 10,000 or more in population had such responsibilities. These 2,800 departments employed approximately 300,000 full-time officers. Departments in towns with a population of 2,500 to 9,999 (83%), or a population less than 2,500 (60%), were less likely to have primary drug enforcement responsibilities. These 6,500 departments in smaller communities employed about 46,000 officers.

About 2,500 (81%) of the sheriffs' departments nationwide reported having primary drug enforcement responsibilities in 1990. Sheriffs' departments located in jurisdictions with a population of under 100,000 were somewhat more likely to have drug enforcement responsibilities than those in larger jurisdictions (83% versus 65%); however, the departments serving a population of 100,000 or more employed more officers than those in smaller jurisdictions (77,000 versus 42,000).

Local police and sheriffs' departments with primary drug enforcement responsibilities seized numerous types of illegal drugs

during the 12-month period ending on June 30, 1990 (table 2). Across all categories, departments in larger jurisdictions were more likely to have seized each drug type than those in smaller jurisdictions.

Most of the police and sheriffs' departments serving a population of 50,000 or more seized nearly all of the types of drugs asked about in the survey. In the smallest jurisdictions, marijuana and cocaine were the only drugs seized by more than a third of all departments, and only marijuana was seized by more than half.

Eighty-six percent of local police departments and 94% of sheriffs' departments made seizures of marijuana — higher percentages than for any other drug. The percentage of departments making marijuana seizures was 94% or higher for departments in all population categories, except for sheriffs' departments serving a population of 10,000 or less (88%) and police departments serving a population of 2,500 or less (70%).

According to UCR data for 1990, 30% of all arrests for drug law violations were marijuana-related. About 4 in 5 marijuana arrests were for possession, and the remainder, for offenses related to trafficking.

Table 1. Local police and sheriffs' departments with primary responsibility for drug enforcement, by size of population served, 1990

Type of agency and population served	All agencies		Agencies with primary responsibility for drug enforcement			
	Number of agencies	Full-time sworn officers employed	Agencies Number	Percent	Full-time sworn officers Number	Percent
All local agencies	15,381	504,419	11,809	77%	466,138	92%
Police departments						
All sizes	12,288	363,001	9,316	76%	347,569	96%
1,000,000 or more	14	74,775	14	100	74,775	100
500,000-999,999	29	36,163	28	96	35,899	99
250,000-499,999	42	30,862	42	100	30,862	100
100,000-249,999	137	37,330	136	99	37,147	99
50,000-99,999	344	40,651	331	96	39,385	97
25,000-49,999	702	40,342	660	94	38,638	96
10,000-24,999	1,672	47,640	1,573	94	45,162	95
2,500-9,999	4,095	40,515	3,401	83	35,088	87
Under 2,500	5,253	14,722	3,132	60	10,614	72
Sheriffs' departments						
All sizes	3,093	141,418	2,493	81%	118,569	84%
1,000,000 or more	27	28,112	20	73	26,176	93
500,000-999,999	62	22,231	35	56	16,243	73
250,000-499,999	92	18,367	55	59	14,064	77
100,000-249,999	270	25,055	182	67	20,262	81
50,000-99,999	374	17,998	299	80	15,435	86
25,000-49,999	594	13,391	505	85	12,239	91
10,000-24,999	955	11,972	814	85	10,527	88
Under 10,000	719	4,292	583	81	3,623	84

Note: Detail may not add to total because of rounding.

Cocaine was seized by 72% of local police and sheriffs' departments, the second highest total percentage for any drug type. All police departments serving a population of 100,000 or more, and over 90% of those serving 10,000 to 99,999 residents, reported making cocaine seizures. Over 95% of the sheriffs' departments serving 50,000 or more residents reported making cocaine seizures. Only among police departments serving under 2,500 residents (39%), and sheriffs' departments serving under 10,000 residents (50%) did less than 75% of the departments in a population category report making cocaine seizures. Among police and sheriffs' departments that did seize cocaine, nearly all of them reported seizing the powdered form of the drug, and a majority of them also seized crack cocaine.

A majority of the police departments serving a population of 25,000 or more made heroin seizures, including all of those serving 500,000 or more residents. More than two-thirds of the sheriffs' departments in jurisdictions with a population of 250,000 or more also reported seizing heroin.

Amphetamine seizures were made by 40% of all police and sheriffs' departments, including more than 70% of those serving a population of 50,000 or more. More than half of the departments serving a population of 50,000 or more also reported making

seizures of barbiturates, methamphetamines, and LSD. PCP was seized by most of the police departments serving a population of 250,000 or more and the sheriffs' departments serving 500,000 or more.

An aspect of the drug enforcement effort in many jurisdictions involves the operation of special drug enforcement units. Where they exist, such units are an integral part of the law enforcement response to drug

Table 3. Special drug enforcement units operated by local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Agencies operating one or more special drug units*		Number of officers assigned full time	
	Number	Percent of all agencies responsible for drug enforcement	Total	Average
All local agencies	3,270	28%	16,520	5
Police departments				
All sizes	2,299	25%	12,715	6
1,000,000 or more	13	93	3,126	240
500,000-999,999	26	95	1,273	48
250,000-499,999	42	100	1,509	36
100,000-249,999	131	96	1,996	15
50,000-99,999	312	94	1,708	5
25,000-49,999	411	62	1,161	3
10,000-24,999	569	36	964	2
2,500-9,999	633	19	772	1
Under 2,500	163	5	206	1
Sheriffs' departments				
All sizes	971	39%	3,805	4
1,000,000 or more	18	92	607	34
500,000-999,999	31	90	551	18
250,000-499,999	47	86	533	11
100,000-249,999	141	77	795	6
50,000-99,999	223	75	515	2
25,000-49,999	222	44	391	2
10,000-24,999	225	28	349	2
Under 10,000	64	11	64	1

Note: Table includes only agencies with primary responsibility for drug enforcement. Detail may not add to total because of rounding.

*Includes only units with at least one officer assigned full time as of June 30, 1990.

Table 2. Seizures of selected types of illegal drugs by local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of agencies with primary responsibility for drug enforcement that seized:												
	Marijuana*	Cocaine			Ampheta- mines	Bar- biturates	Metham- pheta- mines	LSD	Heroin	Synthetic/ designer	PCP	Metha- qualone	Morphine/ opium
All local agencies	88%	72%	66%	42%	40%	29%	28%	26%	17%	12%	11%	5%	4%
Police departments													
All sizes	86%	70%	63%	42%	38%	27%	24%	25%	17%	10%	10%	5%	4%
1,000,000 or more	100	100	100	100	100	86	86	93	100	64	71	57	57
500,000-999,999	95	100	100	96	92	77	81	88	100	51	58	29	63
250,000-499,999	100	100	100	100	80	67	90	95	91	58	56	22	48
100,000-249,999	99	100	97	92	80	62	75	76	84	44	43	27	23
50,000-99,999	97	97	96	77	73	64	49	64	55	30	32	16	17
25,000-49,999	95	95	94	76	62	44	49	49	50	19	24	6	7
10,000-24,999	94	91	84	58	51	36	33	36	28	12	15	5	6
2,500-9,999	94	79	72	42	41	29	24	22	10	7	7	4	1
Under 2,500	70	39	30	20	17	10	8	8	4	4	2	1	1
Sheriffs' departments													
All sizes	94%	78%	71%	44%	49%	35%	42%	33%	16%	15%	13%	6%	5%
1,000,000 or more	95	95	95	95	90	71	81	81	90	63	68	44	34
500,000-999,999	100	100	97	87	75	66	72	94	88	37	53	37	35
250,000-499,999	100	98	92	87	83	61	68	67	67	27	31	15	25
100,000-249,999	95	97	97	79	68	54	54	66	41	28	32	20	11
50,000-99,999	98	100	94	58	72	58	59	59	26	30	25	11	11
25,000-49,999	94	86	81	50	54	47	43	38	15	16	17	3	2
10,000-24,999	95	77	68	37	43	26	38	22	6	12	5	3	3
Under 10,000	88	50	45	23	27	12	27	9	5	1	4	1	1

Note: Includes any seizure or eradication of illegal drugs or facilities for manufacturing them during the 12-month period ending June 30, 1990.

*Includes hashish.

trafficking and use. Since they focus directly on conducting sophisticated investigations of drug traffickers, these special units accumulate substantial knowledge about drugs in general and about drug-related activity in the community.

Nationwide, an estimated 3,270 local police and sheriffs' departments were operating a special drug unit during the 12-month period ending on June 30, 1990 (table 3). Overall, these agencies had over 16,000 officers assigned to special drug units on a full-time basis. Included in this total were an estimated 12,715 police officers and 3,805 sheriffs' officers.

Over 90% of local police departments serving 50,000 or more residents were operating a special drug unit, and 75% of all local police officers assigned to a drug unit nationwide were in one of these departments. Police departments serving 1 million or more residents had the largest special drug units, an average of 240 full-time officers each. These 13 departments accounted for a fourth of the local police officers assigned to drug units nationwide.

A majority (62%) of the police departments in jurisdictions with 25,000 to 49,999 residents also operated a special drug unit. Local police departments in small towns were the least likely to operate a special drug unit. About 19% of those serving a population of 2,500 to 9,999 and 5% of those serving a population of under 2,500 had such a unit.

Among sheriffs' departments, over 90% of those serving a population of 500,000 or more and over 75% of those serving a population of 50,000 to 499,999 operated a special drug unit. About 44% of the sheriffs' departments serving a population of 25,000 to 49,999 operated a drug unit. In the smallest jurisdictions (under 10,000 residents), 11% of the sheriffs' departments had a drug unit.

The average size of special drug units in sheriffs' departments ranged from 34 full-time officers in departments serving a population of 1 million or more to 1 officer in jurisdictions with fewer than 10,000 residents.

Many local police and sheriffs' departments operated other types of special units that were important to their drug control effort. Over 90% of large police and sheriffs' departments (100 or more officers) with primary drug enforcement responsibilities operated a special unit for drug education in schools during 1990, and nearly 60% were operating a special unit on gangs.

Law enforcement agencies recognize the value of coordinating their efforts to reduce drug abuse. For many police and sheriffs' departments, this coordination involves participating in a multiagency drug enforcement task force. Organizationally, such task forces often involve the cooperation of law enforcement agencies across jurisdictional boundaries and governmental levels.

The police and sheriffs' departments in multiagency task forces develop coordinated enforcement strategies aimed at accumulating the evidence needed to arrest, prosecute, and convict known drug distributors. Typically, these strategies involve the use of informants, surveillance, and undercover operations. They may also include complex financial investigations designed to trace drug distribution networks. The resources of special drug units often play an important role in implementing task force strategies.

Multiagency drug task forces may also attempt to reduce problems associated with the illegal drug trade by including not only law enforcement agencies but also other types of government agencies, nonprofit organizations, business firms, and community groups. By coordinating education and health initiatives these task forces attempt to reduce the harm that illegal drugs do to the community.

Among agencies with drug enforcement responsibilities, about half of the local police departments and two-thirds of the sheriffs' departments participated in a task force during the 12-month period ending on June 30, 1990 (table 4). Overall, an estimated 6,500 local police and sheriffs' departments participated in multiagency drug enforcement task forces during this time period.

Over 85% of the police and sheriffs' departments in each population category of 100,000 or more participated in a task force, including over 95% of the departments serving a population of 500,000 or more. Approximately 80% of the police and sheriffs' departments serving a population of 25,000 to 99,999, 65% of those serving a population of 10,000 to 24,999, and over 40% of those serving fewer than 10,000 residents participated in a task force.

Table 4. Participation in a multiagency drug enforcement task force by local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Agencies participating		Number of officers assigned full time	
	Number	Percent	Total	Average
All local agencies	6,500	55%	9,623	1
Police departments				
All sizes	4,796	51%	6,109	1
1,000,000 or more	13	93	382	29
500,000-999,999	28	100	199	7
250,000-499,999	36	87	262	7
100,000-249,999	117	86	496	4
50,000-99,999	268	81	576	2
25,000-49,999	541	82	837	2
10,000-24,999	1,026	65	1,162	1
2,500-9,999	1,885	55	1,576	1
Under 2,500	882	28	618	1
Sheriffs' departments				
All sizes	1,704	68%	3,514	2
1,000,000 or more	19	95	190	10
500,000-999,999	34	97	230	7
250,000-499,999	50	91	375	8
100,000-249,999	157	86	618	4
50,000-99,999	215	72	564	3
25,000-49,999	402	80	533	1
10,000-24,999	541	66	698	1
Under 10,000	288	49	306	1

Note: Table includes only agencies with primary responsibility for drug enforcement. Detail may not add to total because of rounding. Any participation during the 12-month period ending June 30, 1990, is included.

During the 12-month period ending June 30, 1990, approximately 6,100 local police officers were assigned to a multiagency drug task force full time. Although police departments serving a million or more residents had the most officers assigned to a task force on average (29), over half of all local police officers assigned to task forces nationwide were employed by departments serving a population of under 25,000.

Sheriffs' departments had about 3,500 officers assigned full time to drug task forces, ranging from an average of 10 officers per department in jurisdictions with 1 million or more residents, to an average of 1 officer per department in jurisdictions with fewer than 50,000 residents.

In addition to multiagency task forces, another innovation for drug enforcement in many jurisdictions is the use of drug asset forfeiture sanctions. Most States have laws that allow the government to seize convicted drug traffickers' cash, bank accounts, planes, boats, cars, homes, and other items purchased with proceeds from the illicit drug trade.

Table 5. Receipt of money or goods from a drug asset forfeiture program by local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Agencies receiving money or goods*	
	Number	Percent
All local agencies	4,701	41%
Police departments		
All sizes	3,531	38%
1,000,000 or more	12	86
500,000-999,999	27	96
250,000-499,999	42	100
100,000-249,999	133	98
50,000-99,999	314	95
25,000-49,999	562	85
10,000-24,999	977	62
2,500-9,999	1,123	33
Under 2,500	342	11
Sheriffs' departments		
All sizes	1,270	51%
1,000,000 or more	19	95
500,000-999,999	34	97
250,000-499,999	52	94
100,000-249,999	160	88
50,000-99,999	241	81
25,000-49,999	269	53
10,000-24,999	340	42
Under 10,000	156	27

Note: Table includes only agencies with primary responsibility for drug enforcement. Detail may not add to total because of rounding.

*During the 12-month period ending June 30, 1990.

State laws vary regarding the disposition of forfeited assets. Most State statutes require that outstanding liens be paid first, and many States require that all forfeited drug assets go to the State and/or local treasury. In some States, law enforcement agencies may keep property such as cars, planes, and boats for official use. In other States, the agencies can keep all property, cash, and proceeds from sales of what is forfeited.

About 4,700 local police and sheriffs' departments reported the receipt of money or goods from a drug asset forfeiture program during fiscal 1990 (table 5). This represented 41% of all local law enforcement agencies with primary drug enforcement responsibilities. A higher percentage of sheriffs' departments (51%) than police departments (38%) had such receipts.

The percentage of local police departments with asset forfeiture receipts was over 95% in jurisdictions with 50,000 to 999,999 residents. Among departments serving 1 million or more residents and those serving 25,000 to 49,999 residents, about 85% received money or goods from an asset forfeiture program. Receiving money or goods from an asset forfeiture program was least likely for police departments serving a population of under 2,500 (11%).

About 95% of sheriffs' departments in jurisdictions with 250,000 or more residents, and about 85% of those serving 50,000 to 249,999 residents had asset forfeiture program receipts during fiscal 1990. In the smallest jurisdictions (under 10,000 residents), an estimated 27% of the sheriffs' departments received money or goods from an asset forfeiture program.

Table 6. Seizures of selected types of illegal drugs by State police departments, 1990

Type of illegal drug seized	Percent of State police departments
Marijuana*	100%
Cocaine, any form	100
Powder	100
Crack	91
Amphetamines	94
Heroin	91
LSD	88
Methamphetamines	88
Barbiturates	85
PCP	74
Morphine/opium	56
Synthetic/designer	53
Methaqualone	47

Note: Table includes only agencies with primary responsibility for drug enforcement. Includes any seizure during the 12-month period ending June 30, 1990.

*Includes hashish.

State police departments

Thirty-four State police departments, employing approximately 43,000 full-time officers reported they had primary responsibility for the enforcement of drug laws.

	Number of State police departments	Full-time sworn officers employed
Total	49	52,372
Departments with primary responsibility for drug enforcement	34	43,118

All 34 of these departments reported they made marijuana and cocaine seizures during the 12-month period ending June 30, 1990 (table 6). A large majority of them also seized amphetamines (94%), heroin (91%), LSD (88%), methamphetamines (88%), barbiturates (85%), and PCP (74%).

Like those of local law enforcement agencies, State police drug enforcement strategies often involve the operation of special units, participation in multiagency drug enforcement task forces, and participation in a drug asset forfeiture program.

Twenty-nine (85%) of the State police departments that had responsibility for enforcing drug laws were operating special drug enforcement units (table 7). These 29 departments had assigned a total of 2,138 officers to these units on a full-time basis — an average of 74 officers per department.

Table 7. Special drug unit operation and multiagency task force participation, by State police departments, 1990

Type of drug enforcement activity	Percent of departments	Number of officers assigned full time	
		Total	Average
Operation of special drug unit(s)	85%	2,138	74
Participation in a multiagency drug enforcement task force	91%	900	29

Note: Table includes only agencies with primary responsibility for drug enforcement.

Most of these departments (82%) also operated special units for drug education in schools, and 29% of them had special units for gangs.

Thirty-one (91%) of the departments participated in a multiagency drug enforcement task force during fiscal 1990. These departments had 900 officers assigned to drug task forces, an average of 29 per department. All but two (94%) of the departments responsible for drug enforcement reported they received money or goods from a drug asset forfeiture program during the year.

Table 8. Drug testing of persons arrested by local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of agencies in which at least some arrestees are tested		
	Total with testing	Agency-operated program	Other operated
All local agencies	38%	6%	32%
Police departments			
All sizes	38%	5%	32%
1,000,000 or more	57	21	36
500,000-999,999	56	10	45
250,000-499,999	39	5	34
100,000-249,999	39	8	31
50,000-99,999	44	8	36
25,000-49,999	44	6	38
10,000-24,999	33	4	29
2,500-9,999	39	5	33
Under 2,500	36	5	31
Sheriffs' departments			
All sizes	40%	10%	30%
1,000,000 or more	60	17	42
500,000-999,999	34	12	23
250,000-499,999	32	6	26
100,000-249,999	22	4	19
50,000-99,999	41	8	34
25,000-49,999	39	7	32
10,000-24,999	42	11	31
Under 10,000	43	14	30

Note: Detail may not add to total because of rounding.

Drug Testing Policies

Local police and sheriffs' departments

Nearly 40% of local police and sheriffs' departments reported that at least some of their arrestees were tested for illegal drugs (table 8). Drug testing of arrestees was most likely to exist in police departments serving a population of 500,000 or more (56%), and sheriffs' departments serving a population of 1 million or more (60%).

Among local police departments that reported testing of arrestees, about 1 in 8 were responsible for operation of the testing program. In sheriffs' departments with arrestee testing, about 1 in 4 operated the testing program.

About a fourth of both local police and sheriffs' departments required all applicants for sworn positions to submit to a drug test (table 9). The prevalence of drug testing of applicants increased with the size of the population served. Among local police departments, 80% of those serving a population of 250,000 or more required all applicants for sworn positions to be tested for illegal drugs. About 70% of those serving a population of 50,000 to 249,999 and just under 50% of those serving a population of 10,000 to 49,999 had such a requirement. The percentage of police departments with a mandatory drug testing policy for applicants was smallest among those serving 2,500 to 9,999 residents (25%) and those serving fewer than 2,500 residents (14%).

Table 9. Employees tested for drugs in a mandatory testing program in local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of agencies with a mandatory testing program for:					
	Applicants*	Probationary officers	Regular field officers	Candidates for promotion*	Officers in drug-related positions	Civilian personnel
All local agencies	25%	4%	2%	2%	3%	3%
Police departments						
All sizes	26%	4%	2%	2%	3%	3%
1,000,000 or more	79	29	0	21	43	0
500,000-999,999	71	29	8	18	25	0
250,000-499,999	85	8	5	14	13	5
100,000-249,999	63	7	1	7	10	5
50,000-99,999	71	7	1	9	14	7
25,000-49,999	52	7	4	6	6	8
10,000-24,999	44	7	3	2	5	10
2,500-9,999	25	4	1	1	2	2
Under 2,500	14	3	2	1	1	--
Sheriffs' departments						
All sizes	23%	4%	3%	3%	4%	4%
1,000,000 or more	46	0	0	4	10	6
500,000-999,999	42	5	4	0	7	4
250,000-499,999	40	7	0	0	6	3
100,000-249,999	44	3	2	3	6	7
50,000-99,999	33	5	3	3	5	5
25,000-49,999	26	7	7	6	7	7
10,000-24,999	15	2	1	1	2	3
Under 10,000	14	2	1	1	2	2

Note: Mandatory programs are those in which all are tested.

*Sworn positions only.

-- Less than 0.5%

Slightly more than 40% of sheriffs' departments serving a population of 100,000 or more had a policy requiring drug testing of all applicants for sworn positions. About 30% of departments serving from 25,000 to 100,000 residents had such a policy. Sheriffs' departments serving a population of less than 25,000 (15%) were the least likely to require all applicants for sworn positions to undergo tests for illegal drugs.

Small percentages of all local police and sheriffs' departments had a mandatory drug testing requirement for probationary officers, regular field officers, candidates for promotion, officers in drug-related positions, or civilian personnel. In every population category, less than 25% of the police and sheriffs' departments had mandatory drug testing for the above personnel types, except the following: Probationary officers and officers in drug-related positions in police departments serving a population of 500,000 or more.

Small percentages of local police and sheriff's departments were also using random selection to test applicants or employees for illegal drugs (table 10). An estimated 2% of all departments tested applicants through this method, and the percentage of departments with random drug testing was no more than 5% for any personnel position. Random selection testing was most common for officers in drug-related positions employed by police departments serving a population of 1 million or more (36%).

About 10% of all local police and sheriffs' departments required regular field officers suspected of using illegal drugs to take a drug test (table 11). The percentage of departments with suspicion-based testing was similar for other types of employees. About 2% of the departments had such a policy for applicants.

Departments in larger jurisdictions were more likely than those in smaller jurisdictions to have a suspicion-based drug testing program. For example, among local police departments, about two-thirds of local police departments serving 250,000 or more residents authorized testing of regular field officers suspected of drug use, com-

pared to about half of those serving a population of 50,000 to 249,999, about a third of those serving a population of 25,000 to 49,999, and a ninth of those serving population of 2,500 to 9,999. In police departments serving a population of under 2,500, roughly 1 in 30 authorized testing of regular field officers suspected of illegal drug use.

Table 10. Employees tested for drugs in a random selection testing program in local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of agencies with a random selection testing program for:					
	Applicants*	Probationary officers	Regular field officers	Candidates for promotion*	Officers in drug-related positions	Civilian personnel
All local agencies	2%	4%	4%	3%	5%	3%
Police departments						
All sizes	2%	4%	4%	3%	5%	3%
1,000,000 or more	0	21	21	7	36	0
500,000-999,999	0	10	10	0	10	3
250,000-499,999	0	19	17	7	22	5
100,000-249,999	0	7	7	1	8	2
50,000-99,999	1	13	11	9	22	4
25,000-49,999	1	6	4	5	5	3
10,000-24,999	1	3	3	2	4	2
2,500-9,999	2	5	6	4	6	4
Under 2,500	2	3	3	2	3	2
Sheriffs' departments						
All sizes	2%	4%	6%	3%	6%	5%
1,000,000 or more	0	7	7	4	7	7
500,000-999,999	0	0	4	0	4	2
250,000-499,999	1	0	0	0	2	2
100,000-249,999	2	6	10	4	6	7
50,000-99,999	1	2	6	4	7	5
25,000-49,999	2	7	10	6	11	9
10,000-24,999	2	3	4	2	4	3
Under 10,000	1	3	4	3	3	4

*Sworn positions only

Table 11. Employees tested for drugs upon suspicion of use in local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of agencies with a suspicion-based testing program for:					
	Applicants*	Probationary officers	Regular field officers	Candidates for promotion*	Officers in drug-related positions	Civilian personnel
All local agencies	2%	9%	10%	7%	9%	8%
Police departments						
All sizes	2%	9%	11%	7%	9%	8%
1,000,000 or more	7	64	79	50	71	64
500,000-999,999	11	44	61	33	50	47
250,000-499,999	5	69	71	46	59	64
100,000-249,999	2	37	43	22	39	39
50,000-99,999	2	39	48	23	34	29
25,000-49,999	6	28	32	19	25	25
10,000-24,999	4	12	15	9	12	14
2,500-9,999	2	8	11	8	8	8
Under 2,500	2	3	3	3	3	2
Sheriffs' departments						
All sizes	2%	7%	8%	6%	7%	7%
1,000,000 or more	12	34	41	30	34	34
500,000-999,999	5	22	28	17	24	28
250,000-499,999	0	16	21	12	17	18
100,000-249,999	—	18	19	14	17	15
50,000-99,999	1	3	6	2	3	5
25,000-49,999	4	7	10	6	9	9
10,000-24,999	3	5	6	5	5	4
Under 10,000	1	2	2	2	3	2

*Sworn positions only.

--Less than 0.5%.

About 40% of the sheriffs' departments serving a population of 1 million or more had a policy authorizing testing of regular field officers suspected of illegal drug use. About 30% of the departments serving a population of 500,000 to 999,999, and 20% of those serving a population of 100,000 to 499,999 had such a policy. Less than 10% of the sheriffs' departments located in jurisdictions with fewer than 100,000 residents had a policy that authorized drug testing of officers suspected of drug use.

Nationwide, the local police departments that had a suspicion-based drug testing program for regular field officers employed 50% of all local police officers (table 12). The sheriffs' departments with such a testing program employed 31% of all sheriff's officers. An estimated 17% of all local police officers and 12% of sheriffs' officers worked for departments that had a random selection program for regular field officers. About 3% of local police officers and 4% of sheriffs' officers were employed by departments that had a mandatory drug testing requirement for field officers.

Local police departments that tested civilian employees suspected of drug use employed 45% of all such employees nationwide. About 30% of civilian employees in sheriffs' departments worked in department with a suspicion-based testing program for civilians.

Civilian employees in sheriffs' departments were more likely to be a part of a random selection drug testing program than their counterparts in local police departments

Table 12. Local law enforcement employees working in agencies with selected types of drug testing programs, 1990

Type of agency and testing program	Percent of all employees	
	Sworn	Civilian
Police departments		
Mandatory	3%	5%
Random selection	17	3
Suspicion of use	50	45
Sheriffs' departments		
Mandatory	4%	6%
Random selection	12	9
Suspicion of use	31	30

Note: Some departments may have operated more than one type of testing program. Percent for sworn employees is based on number of agencies with a testing program for regular field officers. Percent for civilian employees is based on number of agencies with a testing program for any civilian employees.

(9% versus 3%). About 5% of the civilian employees in local police and sheriffs' departments were subject to a mandatory drug testing requirement.

For comparison, the results of a 1988 survey conducted by the Department of Labor showed that 3% of private nonagricultural businesses had a drug testing program of some type, including 43% of those with 1,000 or more employees. Overall, about 20% of private sector employees worked for a company with a drug testing program.*

Among local law enforcement agencies with an employee drug testing program, an estimated 61% of the police departments and 69% of the sheriffs' departments specified dismissal as a possible disciplinary sanction against nonprobationary officers after one positive drug test (table 13).

*Bureau of Labor Statistics, *Survey of Employer Anti-drug Programs*, Report 760, January 1990.

Local police officers testing positive for the first time were most likely to face dismissal as a possible sanction in larger jurisdictions. All police departments serving a population of 1 million or more had a policy specifying dismissal as a possible sanction after one positive drug test, and 83% of those serving a population of 250,000 to 999,999 had such a policy.

Suspension was the most serious disciplinary sanction specified for an initial positive drug test in 14% of the police and sheriffs' departments that tested employees for illegal drugs.

After a second positive drug test by a nonprobationary officer, the percentage of local law enforcement agencies specifying dismissal as the most serious disciplinary sanction increased to 93% for police departments and to 98% for sheriffs' departments.

Table 13. Sanctions for positive employee drug tests in local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent of departments with dismissal or suspension as most serious possible sanction for positive drug tests			
	After one positive test		After two positive tests	
	Dismissal	Suspension	Dismissal	Suspension
All local agencies	63%	14%	94%	2%
Police departments				
All sizes	61%	14%	93%	3%
1,000,000 or more	100	0	100	0
500,000-999,999	83	0	95	5
250,000-499,999	83	4	91	0
100,000-249,999	76	8	95	3
50,000-99,999	54	5	98	2
25,000-49,999	73	0	89	4
10,000-24,999	57	14	86	5
2,500-9,999	64	18	95	4
Under 2,500	54	18	96	0
Sheriffs' departments				
All sizes	69%	14%	98%	--
1,000,000 or more	88	0	100	0
500,000-999,999	44	17	94	6
250,000-499,999	82	5	95	0
100,000-249,999	60	31	100	0
50,000-99,999	89	8	100	0
25,000-49,999	68	6	94	0
10,000-24,999	70	18	100	0
Under 10,000	60	20	100	0

Note: Table includes only agencies with a testing program which specifies sanctions for nonprobationary sworn officers who test positive for drugs.
-- Less than 0.5%.

Treatment was specified as a possible alternative for nonprobationary officers with positive drug test results in almost half of the local police and sheriffs' departments with a testing program (table 14). The drug testing policies of local police departments specified treatment alternatives more often than those of sheriffs' departments (49% versus 39%). Treatment alternatives were generally limited to the first offense.

Among police departments, treatment alternatives were most likely to exist in jurisdictions with a population of 50,000 to 249,999, where two-thirds of them had such a policy. Among sheriffs' departments, those serving 500,000 to 999,999 residents (62%) were the most likely to have treatment alternatives specified in their drug testing policy.

Police departments serving a population of 1 million or more (20%) were the least likely of all local law enforcement agencies to specify treatment as a possible alternative for officers who test positive for drugs.

Table 14. Treatment alternative for nonprobationary officers after a positive drug test in local police and sheriffs' departments, by size of population served, 1990

Type of agency and population served	Percent including treatment as a possible response to positive tests*
All local agencies	47%
Police departments	
All sizes	49%
1,000,000 or more	20
500,000-999,999	51
250,000-499,999	51
100,000-249,999	68
50,000-99,999	67
25,000-49,999	52
10,000-24,999	59
2,500-9,999	49
Under 2,500	38
Sheriffs' departments	
All sizes	39%
1,000,000 or more	48
500,000-999,999	62
250,000-499,999	36
100,000-249,999	52
50,000-99,999	36
25,000-49,999	33
10,000-24,999	40
Under 10,000	35

Note: Table includes only agencies with a testing program that specifies sanctions for nonprobationary sworn officers who test positive for drugs.
*After first positive test only.

State police departments

Thirty-three (67%) of the 49 primary State police departments reported that at least some of the persons they arrested were being tested for illegal drugs. Four (8%) of the departments reported that they had primary responsibility for operation of the testing program.

	Percent of departments in which at least some arrestees are tested
Total	67%
Agency-operated program	8
Not agency-operated	59

Just over half (55%) of State police departments reported they required drug tests of all applicants for sworn positions (table 15). Two (4%) of the departments reported they required all regular field officers to undergo tests for illegal drugs, and five (10%) tested all officers working in drug-related positions. None of the State police departments reported having a mandatory drug testing policy for civilian personnel.

Some State police departments used a random selection process to test probationary officers (12%), regular field officers (8%), candidates for promotion (8%), and officers working in drug-related positions (10%). One department (2%) had

Table 15. Employee drug testing programs in State police departments, 1990

Type of employee	Percent of State police departments		
	Mandatory	Random selection	Suspicion of use
Applicants*	55%	2%	12%
Probationary officers	6	12	37
Regular field officers	4	8	49
Candidates for promotion*	2	8	33
Officers in drug-related positions	10	10	41
Civilian personnel	0	4	45

*Sworn positions only.

a random selection drug testing program for applicants, and two departments (4%) required civilian personnel to be included in a random selection drug testing program.

Although no State police departments had a mandatory drug testing requirement for civilian employees, nearly half (45%) of all civilian State police employees worked in departments that tested civilian employees suspected of using illegal drugs. A similar proportion of sworn State police employees (53%) were subject to suspicion-based drug testing. About 7% of State police officers were employed by departments with random selection testing for regular field officers and an equal percentage worked in departments with a mandatory drug testing requirement for such officers (table 16).

About three-fourths (77%) of the State police departments with a drug testing program specified dismissal as a possible sanction against probationary officers after one positive drug test (table 17). After a second offense, dismissal was a possible sanction specified by 91% of the departments.

Half of the departments with employee drug testing specified treatment as a possible alternative after the first offense. As in local law enforcement agencies, treatment alternatives were generally not available to State police officers who tested positive for drugs a second time.

Table 16. State police employees working in agencies with selected types of drug testing programs, 1990

Type of testing program	Percent of all employees	
	Sworn	Civilian
Mandatory	7%	0%
Random selection	7	3
Suspicion of use	53	45

Note: See note on table 12.

Table 17. Sanctions for positive employee drug test in State police departments, 1990

	Percent of departments with dismissal or suspension as most serious possible sanction for positive drug test	
	Dismissal	Suspension
One offense	77%	9%
Two offenses	91	5

Note: See note on table 13.

Methodology

The Law Enforcement Management and Administrative Statistics (LEMAS) survey collects data from a nationally representative sample of the nearly 17,000 publicly funded State and local law enforcement agencies in the United States.

All 780 State and local law enforcement agencies in the United States with 100 or more sworn officers (as reported in the 1986 Directory Survey of Law Enforcement Agencies) received the full-length LEMAS questionnaire. The 780 self-representing (SR) agencies were supplemented by a nationally representative sample of all agencies with fewer than 100 sworn officers. These nonself-representing (NSR) agencies were chosen using a stratified random sample with cells based on the type of agency (local police, sheriff, or special police), size of population served, and number of sworn officers. The 2,338 NSR agencies received a slightly abbreviated LEMAS questionnaire, which did not contain items about job classifications, residency requirements, special pay, collective bargaining, police membership organizations, special units, or written policy directives.

The initial mailing of the survey questionnaire was conducted in July 1990. The pay period containing June 15, 1990, was used as the reference date for personnel-related questions and June 30, 1990, for other questions. The data were collected by the Bureau of the Census for the Bureau of Justice Statistics.

After two followup mailings and additional telephone calls as needed, a final total of 2,945 agencies responded to the LEMAS questionnaire, including 738 SR agencies and 2,207 NSR agencies. The overall response rate was 94.5%. The final database includes responses from 1,830 local police departments, 840 sheriffs' departments, 226 special police departments, and the 49 primary State police departments.

The base weight for all SR agencies is 1. For NSR local and special police departments, the base weight is 8.128, and for NSR sheriffs' departments it is 4.09857. The final weight associated with every agency, both SR and NSR, is the product of the base weight and a factor that adjusted for any nonresponding agencies in each sample cell. This agency nonresponse factor was based on number of sworn officers for SR agencies and on number of agencies for NSR agencies.

Some responding agencies did not completely answer the LEMAS questionnaire. When an agency did not supply a response to an item, a donor agency was randomly selected from responding agencies in the same sample cell. The donor agency's value for the item was placed into the nonresponding agency's response field with an indicator that the value had been imputed. Complete documentation regarding sampling procedures and non-response adjustments is available upon request.

Because the data from agencies with fewer than 100 sworn personnel were collected from a sample, the results are subject to sampling error. All statements of comparison in this report have been tested to ensure that observed differences between values are significant at 2 standard errors (the 95-percent confidence level) or higher.

REFERENCES

Federal Bureau of Investigation, *Crime in the United States, 1990*.

National Institute of Justice, *Local-level drug enforcement: New drug strategies*, March 1989.

National Institute of Justice, *Multijurisdictional drug law enforcement strategies: Reducing supply and demand*, December 1990.

National Institute of Justice, *The police and drugs*, September 1989.

How to order the dataset

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; 1-800-999-0960. The dataset is archived as Law Enforcement Management and Administrative Statistics, 1990 (ICPSR 9749).

Brian Reaves, BJS Statistician, wrote this report. Tom Hester edited it. Phenyl Z. Smith provided statistical review. Lawrence A. Greenfeld and Richard W. Dodge reviewed the publication. It was produced by Marilyn Marbrook, Priscilla Middleton, Betty Sherman, and Jayne Pugh. The data were collected by the Governments Division, Bureau of the Census.

May 1992, NCJ-134505

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with statutory purposes of the OJP agencies and the priorities of the Department of Justice.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJA
To: AG. (THRU OJP/GURULE) ODD: NONE
Date Received: 04-07-92 Date Due: NONE Control #: X92040805539
Subject & Date
04-07-92 MEMO ATTACHING A BJA NEWS RELEASE CONCERNING
PRELIMINARY CRIME VICTIMIZATION SURVEY DATA, SCHEDULED FOR
APRIL 12, 1992, REPORTING THAT THE ESTIMATED NUMBER OF
PERSONAL AND HOUSEHOLD CRIMES IN THE UNITED STATES ROSE
1.9 PERCENT IN 1991. A COPY OF THE RELEASE HAS BEEN
TRANSMITTED TO PAO, WHERE IT IS UNDER REVIEW.

(1) Referred To:	Date:	(5) Referred To:	Date:	W/IN:
(2) OAG;	04-08-92	(6)		PRTY:
(3)		(7)		1
(4)		(8)		OPR:
INTERIM BY:		DATE:		EHZ
Sig. For: NONE		Date Released:		

Remarks
CC INDICATED FOR OLS.
INFO CC: DAG.
(1) FOR INFORMATION.

Other Remarks:

KMM 4/9/92
FILE: PRESS RELEASES/NON-PAO

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

APR 7 1992

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: *SS* Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Preliminary Crime Victimization Survey Data

Attached for your information is a Bureau of Justice Statistics news release scheduled for April 12, reporting that the estimated number of personal and household crimes in the U.S. rose 1.9 percent last year. There were 35.1 million personal and household crimes during 1991, or about 650,000 more than the 34.4 million the American public experienced during 1990.

The preliminary estimates are from BJS's National Crime Victimization Survey (NCVS), which is an on-going data collection program that uses U.S. Bureau of the Census interviewers. During 1991 approximately 95,000 people in about 48,000 nationally representative U.S. households were asked about crimes they might have experienced during the preceding 6 months. The data include both crimes reported to police and those that go unreported. About 37 percent of all crimes and 49 percent of all violent crimes were reported to law enforcement agencies last year. An estimated 22 million personal and household crimes were not reported to law enforcement agencies during 1991. The percentage of unreported crime last year was almost identical to the percentage in 1990.

Last year's estimated increase brings the total number of victimizations during 1991 to a level that is still well below the peak number of almost 41.5 million recorded in 1981. In 1981 the survey estimated there were about 6.6 million violent crimes--that is, about 35.3 violent crimes for every 1,000 people 12 years old or older, compared to an estimated 6.4 million such crimes, or 31.3 per 1,000 people last year.

The news release says statistically significant increases in the preliminary estimates of rape and simple assault occurred last year, but the rates per capita were only marginally higher than in 1990.

The preliminary estimates of the rape rate rose to 1.0 per 1,000 in 1991. This estimate, while higher than the rate for the preceding year, is similar to rates BJS reported in previous years. For example, in 1978, 1979 and 1981 the per capita rape rates were at or near the 1991 estimate.

Last year's ratio of simple assaults per 1,000 U.S. inhabitants 12 years old and older was only marginally higher than the 1990 rate.

The estimated 52.6 burglaries per 1,000 U.S. households last year was at or near the lowest rate since the survey began in 1973. Between 1981 and 1991 burglary rates declined 40 percent. During the same period robbery rates declined 24 percent--from 7.4 robberies per 1,000 people to 5.6 per 1,000 in 1991.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY APRIL 12, 1992

BJS
202-307-0784

PERSONAL AND HOUSEHOLD CRIMES ROSE LESS THAN 2 PERCENT LAST YEAR

WASHINGTON, D.C. -- The estimated number of personal and household crimes in the U.S. rose 1.9 percent last year, the Bureau of Justice Statistics (BJS) announced today. BJS, a Department of Justice component in the Office of Justice Programs, said it estimated there were 35.1 million personal and household crimes during 1991, or about 650,000 more than the 34.4 million the American public experienced during 1990.

The preliminary estimates are from BJS's National Crime Victimization Survey (NCVS), which is an on-going data collection program that uses U.S. Bureau of the Census interviewers. During 1991 approximately 95,000 people in about 48,000 nationally representative U.S. households were asked about crimes they might have experienced during the preceding 6 months. The data include both crimes reported to police and those that go unreported. About 37 percent of all crimes and 49 percent of all violent crimes were reported to law enforcement agencies last year. An estimated 22 million personal and household crimes were not

-MORE-

reported to law enforcement agencies during 1991. The percentage of unreported crime last year was almost identical to the percentage in 1990.

"Last year's estimated increase brings the total number of victimizations during 1991 to a level that is still well below the peak number of almost 41.5 million recorded in 1981," noted BJS Director Steven D. Dillingham. "In 1981 the survey estimated there were about 6.6 million violent crimes--that is, about 35.3 violent crimes for every 1,000 people 12 years old or older, compared to an estimated 6.4 million such crimes, or 31.3 per 1,000 people last year."

BJS commented that statistically significant increases in the preliminary estimates of rape and simple assault occurred last year, but the rates per capita were only marginally higher than in 1990.

The preliminary estimates of the rape rate rose to 1.0 per 1,000 in 1991. This estimate, while higher than the rate for the preceding year, is similar to rates BJS reported in previous years. For example, in 1978, 1979 and 1981 the per capita rape rates were at or near the 1991 estimate.

Last year's ratio of simple assaults per 1,000 U.S. inhabitants 12 years old and older was only marginally higher than the 1990 rate.

The estimated 52.6 burglaries per 1,000 U.S. households last year was at or near the lowest rate since the survey began in 1973. Between 1981 and 1991 burglary rates declined 40 percent. During the same period robbery rates declined 24 percent--from 7.4 robberies per 1,000 people to 5.6 per 1,000 in 1991.

Tables of the National Crime Victimization Survey's 1991 estimates are attached to this news release. A final report will be published later this year.

Additional information about BJS publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

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92-26 (E)
After hours contact: Stu Smith 301-983-9354

Table 1. National Crime Survey:
Victimization levels and rates, preliminary 1991

Type of crime	Number of victimizations			Victimization rates		
	1990	Preliminary 1991	Percent change	1990	Preliminary 1991	Percent change
All crimes	34,403,580	35,054,040	1.9 % ³	---	---	---
Personal crimes	18,984,100	19,414,500	2.3 %	93.4	94.6	1.3 %
Crimes of violence	6,008,790	6,427,480	7.0 ²	29.6	31.3	5.9 ³
Completed	2,421,530	2,612,150	7.9 ³	11.9	12.7	6.8
Attempted	3,587,260	3,816,610	6.4 ³	17.6	18.6	5.4
Rape ¹	130,260	207,610	59.4 ²	0.6	1.0	57.8 ³
Robbery	1,149,690	1,146,400	-0.3	5.7	5.6	-1.3
Completed	800,500	839,310	4.8	3.9	4.1	3.8
Attempted	349,190	310,630	-11.0	1.7	1.5	-11.9
Assault	4,728,790	5,083,200	7.5 ²	23.3	24.8	6.5 ³
Aggravated	1,600,660	1,652,810	3.3	7.9	8.1	2.3
Completed with injury	627,000	616,430	-1.7	3.1	3.0	-2.6
Attempted with weapon	973,660	1,035,220	6.3	4.8	5.0	5.3
Simple	3,128,130	3,430,500	9.7 ²	15.4	16.7	8.6 ³
Completed with injury	931,170	1,061,780	14.0 ²	4.6	5.2	12.9
Attempted without weapon	2,196,960	2,371,170	7.9 ³	10.8	11.6	6.9
Crimes of theft	12,975,310	12,991,880	0.1	63.8	63.3	-0.9
Completed	12,154,550	12,183,540	0.2	59.8	59.4	-0.7
Attempted	820,760	808,570	-1.5	4.0	3.9	-2.4
Personal larceny with contact	637,010	552,030	-13.3 ³	3.1	2.7	-14.2
Personal larceny without contact	12,338,290	12,436,390	0.8	60.7	60.6	-0.2
Completed	11,559,000	11,683,110	1.1	56.9	56.9	0.1
Attempted	779,290	754,180	-3.2	3.8	3.7	-4.2
Household crimes	15,419,480	15,640,490	1.4 %	161.0	161.5	0.3 %
Completed	13,072,490	13,301,280	1.8	136.5	137.3	0.6
Attempted	2,346,990	2,340,040	-0.3	24.5	24.2	-1.4
Burglary	5,147,740	5,092,570	-1.1	53.8	52.6	-2.2
Completed	4,076,210	4,073,570	-0.1	42.6	42.1	-1.2
Attempted forcible entry	1,071,530	1,021,720	-4.6	11.2	10.5	-5.7
Household larceny	8,304,180	8,601,820	3.6	86.7	88.8	2.4
Completed	7,769,280	8,078,670	4.0 ³	81.1	83.4	2.8
Attempted	534,900	523,060	-2.2	5.6	5.4	-3.3
Motor vehicle theft	1,967,540	1,947,850	-1.0	20.5	20.1	-2.1
Completed	1,226,990	1,151,350	-6.2	12.8	11.9	-7.2
Attempted	740,550	799,870	8.0	7.7	8.3	6.8

NOTE: Detail may not add to total shown because of rounding. Percent change is based on unrounded numbers. Victimization rates are calculated on the basis of the number of victimizations per 1,000 persons age 12 and over (personal crimes) or per 1,000 households (household crimes). If the trends that occurred during the first part of 1991 were to be reversed during the latter half, especially during the final 3 months, then it is likely that none of the changes

in the preliminary estimates would be statistically significant in the final data.

¹Includes completed and attempted rape.

²The preliminary difference is statistically significant at the 95% confidence level.

³The preliminary difference is statistically significant at the 90% confidence level.

Table 2. National Crime Survey:
Number and proportion of crimes reported to police, preliminary 1991

Type of crime	Number of crimes reported to police			Proportion reported to police		
	1990	Preliminary 1991	Percent change	1990	Preliminary 1991	Percent change
All crimes	12,961,860	12,880,340	-0.6 %	37.7	36.7	-2.5 %
Personal crimes	6,592,930	6,710,350	1.8 %	34.7	34.6	-0.5 %
Crimes of violence	2,886,950	3,167,350	9.7 ²	48.0	49.3	2.6
Completed	1,466,400	1,531,120	4.4	60.6	58.6	-3.2
Attempted	1,420,550	1,632,860	14.9 ²	39.6	42.8	8.0
Rape ¹	70,200	112,370	60.1 ²	53.9	54.1	0.4
Robbery	575,790	672,640	16.8 ³	50.1	58.7	17.2 ²
Completed	456,780	523,460	14.6	57.1	62.4	9.3
Attempted	119,010	150,480	26.4	34.1	48.4	42.1 ²
Assault	2,240,910	2,388,290	6.6	47.4	47.0	-0.9
Aggravated	939,720	1,018,490	8.4	58.7	61.6	5.0
Completed with injury	445,840	409,400	-8.2	71.1	66.4	-6.6
Attempted with weapon	493,880	606,820	22.9 ²	50.7	58.6	15.6 ³
Simple	1,301,190	1,371,050	5.4	41.6	40.0	-3.9
Completed with injury	524,360	541,150	3.2	56.3	51.0	-9.5
Attempted without weapon	776,830	829,380	6.8	35.4	35.0	-1.1
Crimes of theft	3,705,980	3,557,270	-4.0	28.6	27.4	-4.1
Completed	3,516,600	3,360,900	-4.4	28.9	27.6	-4.7
Attempted	189,380	196,620	3.8	23.1	24.3	5.4
Personal larceny with contact	237,180	243,890	2.8	37.2	44.2	18.7
Personal larceny without contact	3,468,790	3,316,380	-4.4	28.1	26.7	-5.1
Completed	3,291,920	3,150,800	-4.3	28.5	27.0	-5.3
Attempted	176,870	165,730	-6.3	22.7	22.0	-3.2
Household crimes	6,368,930	6,174,860	-3.0 %	41.3	39.5	-4.4 %³
Completed	5,544,090	5,355,850	-3.4	42.4	40.3	-5.1 ³
Attempted	824,840	818,990	-0.7	35.1	35.0	-0.4
Burglary	2,648,420	2,533,350	-4.3	51.4	49.7	-3.3
Completed	2,306,720	2,176,570	-5.6	56.6	53.4	-5.6
Attempted forcible entry	341,700	356,580	4.4	31.9	34.9	9.4
Household larceny	2,242,170	2,289,610	2.1	27.0	26.6	-1.4
Completed	2,074,010	2,110,300	1.7	26.7	26.1	-2.1
Attempted	168,160	179,840	6.9	31.4	34.4	9.4
Motor vehicle theft	1,478,310	1,353,100	-8.5	75.1	69.5	-7.5 ²
Completed	1,163,340	1,069,010	-8.1	94.8	92.8	-2.1
Attempted	314,970	284,210	-9.8	42.5	35.5	-16.5

NOTE: Detail may not add to total shown because of rounding. Percent change is based on unrounded numbers. Also see note on Table 1.

¹Includes completed and attempted rape.

²The preliminary difference is statistically significant at the 95% confidence level.

³The preliminary difference is statistically significant at the 90% confidence level.

Victimization levels, 1973–91 (data for figure 1)

Year	Total	Number of victimizations (in 1,000s)		
		Violent crimes	Personal theft	Household crimes
1973	35,661	5,350	14,970	15,340
1974	38,411	5,510	15,889	17,012
1975	39,266	5,573	16,294	17,400
1976	39,318	5,599	16,519	17,199
1977	40,314	5,902	16,933	17,480
1978	40,412	5,941	17,050	17,421
1979	41,249	6,159	16,382	18,708
1980	40,252	6,130	15,300	18,821
1981	41,454	6,582	15,863	19,009
1982	39,756	6,459	15,553	17,744
1983	37,001	5,903	14,657	16,440
1984	35,544	6,021	13,789	15,733
1985	34,864	5,823	13,474	15,568
1986	34,118	5,515	13,235	15,368
1987	35,336	5,796	13,575	15,966
1988	35,796	5,910	14,056	15,830
1989	35,818	5,861	13,829	16,128
1990	34,404	6,009	12,975	15,419
1991 *	35,054	6,427	12,992	15,640

*Figures for 1991 are preliminary.

Victimization rates, 1973–91 (data for figure 2)

Year	Number of victimizations per 1,000 persons age 12 and older or per 1,000 households		
	Violent crimes	Personal theft	Household crimes
1973	32.6	91.1	217.8
1974	33.0	95.1	235.7
1975	32.8	96.0	236.5
1976	32.6	96.1	229.5
1977	33.9	97.3	228.8
1978	33.7	96.8	223.4
1979	34.5	91.9	235.3
1980	33.3	83.0	227.4
1981	35.3	85.1	226.0
1982	34.3	82.5	208.2
1983	31.0	76.9	189.8
1984	31.4	71.8	178.7
1985	30.0	69.4	174.4
1986	28.1	67.5	170.0
1987	29.3	68.7	173.9
1988	29.6	70.5	169.6
1989	29.1	68.7	169.9
1990	29.6	63.8	161.0
1991 *	31.3	63.3	161.5

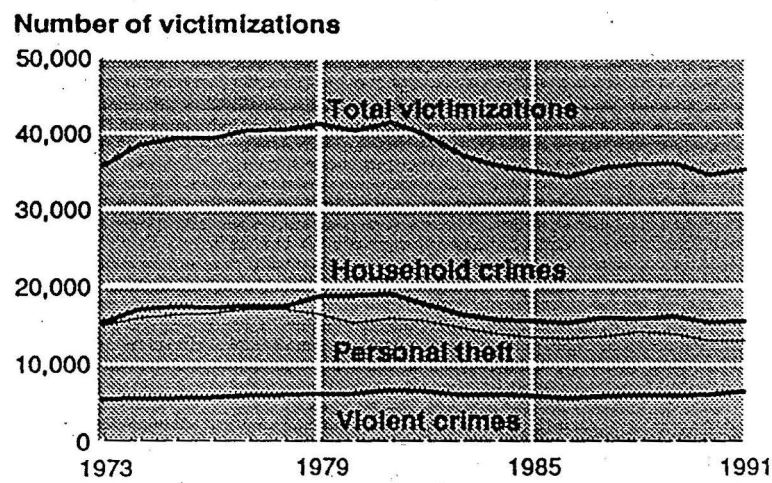
*Figures for 1991 are preliminary.

Victimization rates, 1973-91

	Number of victimizations per 1,000 persons age 12 and older					Number of victimizations per 1,000 households		
	Rape	Robbery	Aggravated assault	Simple assault	Theft	Burglary	Larceny	Motor vehicle theft
1973	1.0	6.7	10.1	14.8	91.1	91.7	107.0	19.1
1974	1.0	7.2	10.4	14.4	95.1	93.1	123.8	18.8
1975	.9	6.8	9.6	15.6	96.0	91.7	125.4	19.5
1976	.8	6.5	9.9	15.4	96.1	88.9	124.1	16.5
1977	.9	6.2	10.0	16.8	97.3	88.5	123.3	17.0
1978	1.0	5.9	9.7	17.2	96.8	86.0	119.9	17.5
1979	1.1	6.3	9.9	17.3	91.9	84.1	133.7	17.5
1980	.9	6.6	9.3	16.5	83.0	84.3	126.5	16.7
1981	1.0	7.4	9.6	17.3	85.1	87.9	121.0	17.1
1982	.8	7.1	9.3	17.1	82.5	78.2	113.9	16.2
1983	.8	6.0	8.0	16.2	76.9	70.0	105.2	14.6
1984	.9	5.7	9.0	15.7	71.8	64.1	99.4	15.2
1985	.7	5.1	8.3	15.9	69.4	62.7	97.5	14.2
1986	.7	5.1	7.9	14.4	67.5	61.5	93.5	15.0
1987	.8	5.3	8.0	15.2	68.7	62.1	95.7	16.0
1988	.6	5.3	8.7	15.0	70.5	61.9	90.2	17.5
1989	.7	5.4	8.3	14.7	68.7	56.4	94.4	19.2
1990	.6	5.7	7.9	15.4	63.8	53.8	86.7	20.5
1991*	1.0	5.6	8.1	16.7	63.3	52.6	88.8	20.1

*Preliminary data

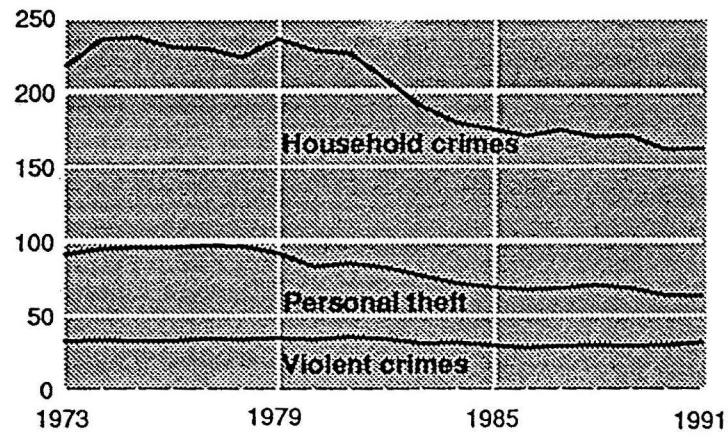
Figure 1



Note: Figures for 1991 are preliminary.

Figure 2

Number per 1,000
persons or households



Note: Figures for 1991 are preliminary.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS
To: AG. (THRU OJP/GURULE) ODD: NONE
Date Received: 03-13-92 Date Due: NONE Control #: X92031604192
Subject & Date
03-12-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE SCHEDULED FOR MARCH 22, 1992, REGARDING
WOMEN IN JAIL. STATES THAT DRUG VIOLATIONS ACCOUNTED FOR
ABOUT ONE-HALF OF THE 1983-89 INCREASE IN THE NUMBER OF
FEMALE JAIL INMATES. ADVISES THAT A COPY OF THIS RELEASE
HAS BEEN TRANSMITTED TO PAO FOR REVIEW.

	Referred To:	Date:		Referred To:	Date:	
(1)	OAG;	03-16-92	(5)			W/IN:
(2)			(6)			
(3)			(7)			PRTY:
(4)			(8)			1
	INTERIM BY:			DATE:		OPR:
	Sig. For:	NONE		Date Released:		MAU

Remarks
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1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

12
MARCH 92



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

MAR 12 1992
RECEIVED
DEPARTMENT OF JUSTICE
92 MAR 13 P5:34

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurule
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Women In Jail

Attached for your information is a Bureau of Justice Statistics news release scheduled for March 22, drug violations accounted for about one-half the 1983-1989 increase in the number of female jail inmates. The number of women held in local jails more than doubled during the six-year period, growing from 15,769 to 37,383. In 1983 one in eight women were in jail for drug-related crimes, but by 1989 one in three female jail inmates were there for a drug offense. Among the convicted female jail inmates, almost 40 percent said they had committed their offense while under the influence of drugs, and 25 percent said they had been under the influence of cocaine or crack.

The data were from the BJS Survey of Inmates in Local Jails, which took a sample to represent the 393,000 men and women in jails throughout the country in 1989. Women accounted for 9.5 percent of all jail inmates that year, and the number of women grew almost twice as fast as did the male population between 1983 and 1989. The number of women increased by 138 percent, compared to the 73 percent growth in the male jail population. Among the survey's other findings were the following:

- o More than one-half of the convicted females had used drugs in the month prior to the current offense. About 40 percent had used drugs daily.

- o The percentage of female inmates who had used cocaine or crack in the month before their current offense increased from 15 percent in 1983 to 39 percent in 1989.

o About 22 percent of the women inmates who had been convicted of criminal offenses said they had committed their crime to obtain money to buy drugs.

Approximately two-thirds of the women reported having a prior history of convictions for which they had been sentenced to probation or incarceration. Almost half of the jailed women were on probation, parole, pre-trial release or were in another criminal justice status at the time they were arrested for their current offense.

About 22 percent of the female inmates had a current or past conviction for a violent crime, and among those who were convicted and serving a sentence for a violent crime almost one-third said the victim had been a relative or an intimate. Almost one-third of female jail inmates had at least three prior convictions for which probation or incarceration had been imposed.

More than two-thirds of the women inmates said they had children younger than 18 years old, and about half of them said the children were living with grandparents. Less than one-quarter said their children were living with the father. Before entering jail 67 percent of the women with children under 18 years old had been living with them, and 85 percent planned to live with them again after their release.

The women surveyed also provided information about their childhood family life.

o About 44 percent said that a member of their immediate family had been convicted of a crime and sentenced to prison or jail.

o Almost one-third said they had grown up in a home where a parent or guardian had abused drugs or alcohol or both.

o Almost a third said they had been physically or sexually abused before they were 18 years old.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY MARCH 22, 1992

BJS
202-307-0784

DRUGS PLAY MAJOR ROLE IN FEMALE JAIL POPULATION INCREASE

WASHINGTON, D.C. -- Drug violations accounted for about one-half the 1983-1989 increase in the number of female jail inmates, according to a special report released today by the Bureau of Justice Statistics (BJS). BJS, a Department of Justice component in the Office of Justice Programs, said the number of women held in local jails more than doubled during the six-year period, growing from 15,769 to 37,383.

"In 1983 one in eight women were in jail for drug-related crimes, but by 1989 one in three female jail inmates were there for a drug offense," noted Bureau Director Steven D. Dillingham.

"Among the convicted female jail inmates, almost 40 percent said they had committed their offense while under the influence of drugs, and 25 percent said they had been under the influence of cocaine or crack," Dillingham pointed out.

The data were from the BJS Survey of Inmates in Local Jails, which took a sample to represent the 393,000 men and women in

-MORE-

jails throughout the country in 1989. Women accounted for 9.5 percent of all jail inmates that year, and the number of women grew almost twice as fast as did the male population between 1983 and 1989. The number of women increased by 138 percent, compared to the 73 percent growth in the male jail population. Among the survey's other findings were the following:

--More than one-half of the convicted females had used drugs in the month prior to the current offense. About 40 percent had used drugs daily.

--The percentage of female inmates who had used cocaine or crack in the month before their current offense increased from 15 percent in 1983 to 39 percent in 1989.

--About 22 percent of the women inmates who had been convicted of criminal offenses said they had committed their crime to obtain money to buy drugs.

Approximately two-thirds of the women reported having a prior history of convictions for which they had been sentenced to probation or incarceration. Almost half of the jailed women were on probation, parole, pre-trial release or were in another criminal justice status at the time they were arrested for their current offense.

About 22 percent of the female inmates had a current or past conviction for a violent crime, and among those who were

-MORE-

convicted and serving a sentence for a violent crime almost one-third said the victim had been a relative or an intimate. Almost one-third of female jail inmates had at least three prior convictions for which probation or incarceration had been imposed.

More than two-thirds of the women inmates said they had children younger than 18 years old, and about half of them said the children were living with grandparents. Less than one-quarter said their children were living with the father.

Before entering jail 67 percent of the women with children under 18 years old had been living with them, and 85 percent planned to live with them again after their release.

The women surveyed also provided information about their childhood family life.

--About 57 percent said they grew up in a family missing one or both parents.

--About 44 percent said that a member of their immediate family had been convicted of a crime and sentenced to prison or jail.

--Almost one-third said they had grown up in a home where a parent or guardian had abused drugs or alcohol or both.

--Almost a third said they had been physically or sexually abused before they were 18 years old.

-MORE-

The 1989 survey was based on interviews with 5,675 inmates held in 424 jails across the U.S.. Similar surveys were conducted in 1983, 1978 and 1973.

Copies of the BJS special report, "Women in Jail 1989," (NCJ-134732) as well as other information about the Bureau's publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

Data from the tables and graphs used in the BJS report are available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

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92-22 (F)

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Bureau of Justice Statistics Special Report

Women in Jail 1989

By Tracy L. Snell
BJS Statistician

Women in local jails increased in number from 15,769 in 1983 to 37,383 in 1989. Almost half of this increase resulted from more women being held for drug violations. In 1989 more than 1 in 3 female inmates were in jail for a drug offense, up from 1 in 8 in 1983. Among all convicted female inmates, nearly two-fifths reported that they had committed their offense under the influence of drugs. A quarter reported being under the influence of cocaine or crack.

Using information from interviews with a representative sample of women in local jails throughout the United States, this report describes their personal backgrounds, current offenses or charges, criminal histories, prior drug and alcohol use, and past physical or sexual abuse. For women convicted of violent offenses, the characteristics of their victims are described.

The 1989 Survey of Inmates in Local Jails, the primary source of this study, collected data from interviews in a nationally representative sample of 5,675 inmates in 424 jails. Data from a similar survey conducted in 1983 permit an overview of recent changes.

Other findings include:

- More than half of convicted female inmates had used drugs in the month prior to the current offense. Approximately 40% had used drugs daily.

- The percentage of female inmates who had used cocaine or crack in the month before their current offense more than doubled from 15% in 1983 to 31% in 1989.

March 1992

This Special Report provides detailed information on the characteristics and backgrounds of women held in locally operated jails across the Nation. The data came from interviews of a representative sample of inmates in 424 of the 3,316 jails nationwide.

Perhaps the most striking finding is that the women in jail were more involved in illegal drugs than were the men. A third of the female inmates were in jail for a drug charge, compared to about a fourth of the male inmates. Convicted women were about twice as likely as convicted men to report having used a major drug (heroin, cocaine, PCP, or LSD) daily in the month before their arrest.

These and other computerized survey data collected for the Bureau of Justice Statistics are available through the National Criminal Justice Archive at the University of Michigan. I invite readers to avail themselves of these important national data.

Steven D. Dillingham, Ph.D.
Director

- About 1 in every 4 convicted women in jail reported they had committed their current offense for money to buy drugs.

- About a fifth of all convicted female inmates reported being under the influence of alcohol at the time of the offense, compared to more than two-fifths of convicted male inmates.

- In 1989, 13% of female inmates were in jail for a violent offense, down from 21% in 1983.

- About half of the female inmates in 1989 who were convicted of a violent crime had victimized a female; a third had victimized a relative or intimate; and an eighth had victimized a minor.

- Nearly 1 in 3 women in jail were first-time offenders, compared to 1 in 5 men. Half of the female first-time offenders were in jail for a violent offense, drug trafficking, flight to avoid prosecution, a violation of pretrial release, or a weapons offense.

- In 1989, 47% of women in local jails were on probation, parole, pretrial release, or other criminal justice status when they were arrested for their current offense.

- More than two-thirds of the women in jail had children under age 18. About half of these women reported that their children were living with grandparents; less than a quarter reported that their children were with the father.

- Approximately 40% of the female inmates had grown up in a single parent household, and an additional 17% lived in a household without either parent.

- Almost a third of all women in jail had a parent or guardian who abused drugs or alcohol.

- More than 4 of every 10 women in jail reported that another family member had served time in jail or prison. An estimated 34% of the women reported that a brother or sister had been incarcerated at some time in the past; 13% reported that a parent had been incarcerated.

- About 44% of the female inmates reported that they had been either physically or sexually abused at some time in their lives before their current imprisonment.

Growth in the female jail population

Between 1983 and 1989, the number of inmates in local jails increased by 76.9%. During this time, the rate of growth for female inmates was 138.0%, nearly double that for male inmates, 72.7%. By 1989, women represented 9.5% of the jail inmates, up from 7.1% in 1983.*

	Jail inmates		Percent change
	1983	1989	
Female	15,652	37,253	138.0%
Male	207,782	356,050	72.7%

Note: Data for 1983 are based on the National Jail Census. Data for 1989 are estimates from the Annual Survey of Jails.

Adult arrest statistics reflect similar changes. While the number of female arrests increased by 33.6% from 1983 to 1989, the number of male arrests increased by 22.2%. As a result, women accounted for 18.1% of all adult arrests in 1989, up from 16.6% in 1983.

	Adult arrests		Percent change
	1983	1989	
Female	1,614,400	2,192,300	33.6%
Male	8,123,300	9,926,600	22.2%

Note: The number of adult arrests was estimated by applying the sex and age distributions from reported arrests to the total estimated number of arrests. Adults are defined as persons age 18 and older.

*On June 30, 1990, there were an estimated 37,318 female inmates and 368,000 male inmates in local jails.

Characteristics of jails holding female inmates, 1988 Census of Local Jails

On June 30, 1988, when the most recent census of local jails was conducted, 2,769 of the 3,316 jails nationwide held female inmates. Most of these jails held both men and women: 18 jails held only female inmates.

These facilities were locally administered. They held persons pending adjudication of their cases and persons sentenced to either jail or prison. The jails that held female inmates had multiple functions: about 46% were temporary holding or lockup facilities; 97% were detention facilities for persons facing local, State, or Federal charges; and 97% were correctional facilities for convicted persons.

Most of the jails that held women were small facilities. More than two-thirds of the 2,769 jails that held women had fewer than 50 inmates on an average day.

Inmates in these facilities were in cells, rooms, dormitories, or other living units that provided an average of 56.2 square feet of floor space. The average space per inmate in general housing in all facilities nationwide was 6.2 square feet smaller.

In the jails that held female inmates in 1988, there were 54,945 correctional officers, 13,689 of whom were women. On average, there were 4.5 inmates per correctional officer in these jails, compared to 4.6 inmates per officer in all jails nationwide.

The average annual cost per inmate in the jails that held female inmates in 1988 was \$10,232, approximately \$400 less

than the average per inmate in all jails nationwide. These costs were based on operating expenditures only (such as salaries, wages, food, supplies, and contractual services); capital expenditures were excluded.

Number of jails	
Female inmates only	18
Both female and male inmates	2,751
Number of jails, by size ^a	
Fewer than 50 inmates	1,888
50-249	658
250-499	126
500 or more	97
Percent of jails, by function ^b	
Temporary lockup/holding facility	46%
Detention center for persons awaiting trial	97%
Correction center for convicted offenders	97%
Number of correctional officers	
Total	54,945
Male	41,256
Female	13,689
Average square footage per inmate in general housing ^c	56.2 sq. ft.
Average number of jail inmates per correctional officer	4.5
Average annual operational expenditures per inmate ^d	\$10,232

Note: All data are based on the 2,769 jails that held female inmates on June 30, 1988, as reported in the 1988 Census of Local Jails.

^aBased on the average daily population, July 1, 1987 to June 30, 1988.

^bDetail may add to more than 100% because some jails have more than one function.

^cGeneral housing includes all housing units where inmates spend the night such as, cells, rooms, and dormitories. Excluded are special function units, such as units for protective custody, segregation, medical care, and substance abuse.

^dBased on operating expenditures for the fiscal year beginning July 1, 1987, and ending on June 30, 1988.

Female inmate characteristics

Compared to 1983, the female jail population in 1989 had a higher percentage of Hispanics, women older than 25, and those who had never married (table 1). The percentage of female inmates who were white and non-Hispanic decreased from 41.8% in 1983 to 37.8% in 1989, while the Hispanic percentage increased from 12.7% to 16.3%.

The median age of women in jail rose from 26 in 1983 to 28 in 1989. During this time the percentage of female inmates age 25 to 34 increased from 44.3% to 51.2%, while the percentage under age 25 decreased from 37.7% to 27.9%. Although the average age of men in jail also went up during the period, male inmates were still more likely than female inmates in 1989 to be under age 25.

In 1989 nearly a third of the female inmates were either divorced or separated, and nearly half had never been married.

Although the percentage of women who had never married increased from 44.4% of all female inmates in 1983 to 48.9% in 1989, male inmates were still more likely than female inmates in 1989 to have never married (57.5%).

Female inmates on average were slightly better educated in 1989 than in 1983. An estimated 50.6% of the women in 1989 had completed high school or had some college education, compared to 47.0% in 1983. Female inmates were also slightly better educated than male inmates. In 1989, 45.8% of the male inmates had completed high school or attended college.

Female jail inmates were less likely than male inmates to have been employed at the time of their arrest (table 2). Among

female inmates who had not been in jail or prison in the month before their arrest, more than a third were employed, and about a third were unemployed and not looking for work. Among male inmates, however, more than two-thirds were employed, and fewer than an eighth were unemployed and not looking for work.

Women in jail were far more likely than men to report welfare income (29.8% compared to 7.7%). Women were also more likely than men to report income from illegal sources (17.5% compared to 11.4%).

Approximately 16.3% of the women in jail in 1989 had been out of jail or prison for less than 1 year before their current arrest. An estimated 16.8% of these women were employed full time; 47.4% were unemployed and not looking for work; and 34.3% reported income from illegal sources.

Table 1. Characteristics of jail inmates, by sex, 1989 and 1983

Characteristic	Percent of female inmates		Percent of male inmates	
	1989	1983	1989	1983
Race/Hispanic origin				
White non-Hispanic	37.8%	41.8%	38.7%	46.9%
Black non-Hispanic	43.4	42.2	41.5	37.1
Hispanic	16.3	12.7	17.5	14.3
Other ^a	2.5	3.2	2.3	1.7
Age				
17 or younger	.7%	.9%	1.6%	1.3%
18-24	27.2	36.8	33.2	40.7
25-34	51.2	44.3	42.1	38.2
35-44	15.6	12.4	16.9	12.4
45-54	3.9	4.3	4.6	4.9
55 or older	1.3	1.3	1.7	2.4
Median age	28 yrs.	26 yrs.	28 yrs.	26 yrs.
Marital status				
Married	16.2%	19.3%	19.3%	21.1%
Widowed	3.8	3.9	.7	1.2
Divorced	17.2	18.0	14.9	15.6
Separated	14.0	14.5	7.6	7.4
Never married	48.9	44.4	57.5	54.8
Education ^b				
8th grade or less	11.9%	13.7%	16.0%	17.9%
Some high school	37.6	39.2	38.2	41.5
High school graduate	34.9	32.3	33.0	28.9
Some college or more	15.7	14.7	12.8	11.6
Median grade completed	11	11	11	11
Number of inmates	37,383	15,566	358,171	206,537

Note: Detail may not add to total because of rounding.

^aIncludes Asians, Pacific Islanders, American Indians, Alaska Natives, and other racial groups.

^bBased on highest grade completed.

Table 2. Pre-arrest employment and income of jail inmates, by sex, 1989

	Percent of female inmates			Percent of male inmates
	Free less than 1 year	Free at least 1 year	Total	
Pre-arrest employment				
Employed	26.1%	40.3%	38.0%	68.2%
Full-time	16.8	29.2	27.2	56.6
Part-time	9.3	11.1	10.8	11.5
Unemployed	74.0%	59.7%	62.0%	31.7%
Looking	26.6	28.7	28.4	20.4
Not looking	47.4	31.0	33.7	11.5
Income source ^a				
Wages/salaries	38.6%	61.6%	58.0%	84.7%
Family or friend	28.4	31.6	31.1	20.7
Welfare	27.9	30.1	29.8	7.7
Illegal income	34.3	14.4	17.5	11.4
Social Security	7.2	7.3	7.3	5.4
Unemployment	.3	2.9	2.5	4.5
Educational grants/scholarships	2.6	2.1	2.2	2.0
Other	2.9	3.9	3.7	3.2
Pre-arrest monthly income				
Less than \$500	47.0%	57.4%	55.7%	42.3%
\$500-\$999	27.9	21.1	22.2	25.0
\$1,000 or more	25.0	21.5	22.1	32.7
Number of inmates	5,774	29,586	35,360	341,662

Note: Data exclude inmates free less than one month. Detail may not add to totals due to rounding.

^aPercents add to more than 100% because inmates may have had more than one source of income.

^bIncludes inmates reporting no income.

Overall, female inmates reported lower levels of monthly income than male inmates: 55.7% of the women and 42.3% of the men reported a monthly income of less than \$500. Those women who had been out of jail or prison for at least a year before their current arrest reported slightly lower monthly incomes than those who had been free for less than a year.

Current offense

The distribution of offenses for female inmates shifted dramatically between 1983 and 1989 (table 3). Over the 6 years, as the proportion of accused or convicted drug

offenders among women in jail rose, the proportions of property and violent offenders fell. In 1983 about 1 of every 8 female inmates were in jail for a drug offense; in 1989 nearly 1 of every 3 were in jail for drugs. The increase in female drug offenders between 1983 and 1989 accounted for nearly half of the total increase of the female jail population.

The percentage of women in jail for property offenses decreased from 42.7% in 1983 to 31.9% in 1989. Larceny/theft and fraud, the two most prevalent crime types among female inmates in 1983, declined from 33.6% to 24.5% in 1989.

The percentage of women in jail for violent offenses also declined: from 21.3% in 1983 to 13.2% in 1989. Assault and robbery remained the two most prevalent violent crimes, accounting for more than two-thirds of violent offenses committed by the women in 1989.

Female inmates were far more likely than male inmates to be in jail for a drug offense. An estimated 33.6% of the women, compared to 21.9% of the men, were in jail for a drug offense. Male inmates, however, were nearly twice as likely as female inmates to be in jail for a violent offense and about equally likely as female inmates to be in jail for a property or public-order offense.

Detention status

In 1989 more than 6 in 10 women in jail were convicted of an offense (table 4). An estimated 52.2% of the female inmates were sentenced to jail or prison, while an additional 9.2% were awaiting a sentence. Nearly 39% of the female inmates were unconvicted: 22.6% had been arraigned and were awaiting or standing trial at the time of the survey, and 16.0% were awaiting arraignment.

Among jail inmates, women were somewhat more likely than men to have been convicted of an offense. About 57% of the male inmates had been convicted — 49.9% were sentenced and 7.2% were awaiting a sentence.

Table 3. Most serious offense of jail inmates, by sex, 1989 and 1983

Most serious offense	Percent of jail inmates			
	1989		1983	
	Female	Male	Female	Male
All offenses	100.0%	100.0%	100.0%	100.0%
Violent offenses	13.2%	23.5%	21.3%	31.4%
Murder ^a	1.8	2.9	3.8	4.1
Negligent manslaughter	.4	.5	1.5	.6
Kidnaping	1.1	.7	.6	1.4
Rape	0	.9	.1	1.6
Other sexual assault	.2	2.8	.2	2.2
Robbery	3.9	7.0	6.2	11.5
Assault	5.2	7.4	8.1	8.7
Other violent ^b	.6	1.1	.7	1.3
Property offenses	31.9%	29.9%	42.7%	38.3%
Burglary	4.0	11.4	5.1	15.0
Larceny/theft	12.9	7.4	18.4	11.2
Motor vehicle theft	.9	3.0	.7	2.5
Arson	.6	.7	.6	.9
Fraud	11.6	3.2	15.2	4.2
Stolen property	1.4	2.5	1.7	2.6
Other property ^c	.5	1.7	1.0	2.0
Drug offenses	33.6%	21.9%	13.1%	9.0%
Possession	14.9	9.2	7.1	4.6
Trafficking	16.9	11.5	4.6	4.0
Other/unspecified	1.9	1.2	1.4	.5
Public-order offenses	19.0%	23.2%	22.0%	20.5%
Weapons	1.4	2.0	1.1	2.4
Obstruction of justice	3.6	2.8	3.1	1.9
Traffic	1.3	2.8	1.3	2.2
Driving while intoxicated ^d	3.6	9.3	5.2	7.1
Drunkenness/morals ^e	5.3	1.3	8.3	3.0
Violation of parole/probation ^f	3.6	3.0	2.0	2.3
Other public-order ^g	.2	2.0	.9	1.7
Other offenses^h	2.2%	1.5%	.9%	.8%
Number of inmates	35,625	344,535	15,259	204,314

Note: Excludes an estimated 15,393 inmates in 1989 and 3,979 inmates in 1983 because their offense was unknown. Detail may not add to total because of rounding.

^aIncludes nonnegligent manslaughter.

^bIncludes blackmail, extortion, hit-and-run driving with bodily injury, child abuse, and criminal endangerment.

^cIncludes destruction of property, vandalism, hit-and-run driving without bodily injury, trespassing, and possession of burglary tools.

^dIncludes driving while intoxicated and driving under the influence of drugs or alcohol.

^eIncludes drunkenness, vagrancy, disorderly conduct, unlawful assembly, morals, and commercialized vice.

^fIncludes parole or probation violations, escape, AWOL, and flight to avoid prosecution.

^gIncludes rioting, abandonment, non-support, immigration violations, invasion of privacy, liquor law violations, tax evasion, and bribery.

^hIncludes juvenile offenses and unspecified offenses.

Table 4. Detention status of jail inmates, by sex, 1989

Detention status	Percent of jail inmates	
	Female	Male
Convicted	61.4%	57.1%
Sentenced	52.2	49.9
Awaiting sentence	9.2	7.2
Unconvicted	38.6%	43.0%
Arraigned and awaiting trial or on trial	22.6	26.5
Not yet arraigned	16.0	16.5
Number of inmates	35,625	345,441

Note: Excludes an estimated 14,488 inmates whose detention status was unknown.

Convicted and unconvicted female inmates differed greatly in the types of offenses for which they were currently held (table 5). Convicted female inmates were more likely than those awaiting trial or arraignment to be in jail for a property or public-order offense, but less likely to be in jail for a violent offense. Nearly 20% of the unconvicted female inmates were in jail for a violent offense, compared to less than 10% of the convicted female inmates.

Among convicted female inmates, the percentage of black women in jail for a violent offense was almost twice that of white women (12.6% compared to 6.4%). More than 1 in 4 white women were convicted of a public-order offense, compared to about 1 in 8 black women.

Sentence length

About half of the female jail inmates in 1989 were sentenced. More than three-quarters of these women expected to serve their sentences in a local jail (table 6). An estimated 15.4% of the sentenced female inmates were expected to serve their time in prison, compared to 11.6% of the sentenced male inmates.

On average, women and men sentenced to jail received very similar sentences: half of both women and men reported a jail sentence of 6 months or less. Among female jail inmates sentenced to State or Federal prison, half received a maximum

sentence of 60 months or less. On average, women received shorter sentences than men: The mean prison sentence for women was 72 months and for men, 103 months. This difference is explained in part by the larger percentage of violent offenders among men awaiting transfer to prison. More than a third of the sentenced female jail inmates had special conditions imposed as part of their sentence, while only about a quarter of the male inmates had any special conditions imposed. Women were more likely than men to have a sentence that included drug treatment (13.7% versus 4.5%), victim restitution (9.4% versus 5.5%), or community service (7.7% versus 3.0%).

Table 5. Most serious current offense of female jail inmates, by conviction status and race, 1989

Most serious offense	Percent of convicted female inmates			Percent of unconvicted female inmates		
	All*	White	Black	All*	White	Black
All offenses	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Violent offenses	9.2%	6.4%	12.6%	19.6%	16.7%	20.0%
Homicide	1.1	.8	1.7	3.9	3.7	4.4
Robbery	3.5	2.0	5.3	4.6	3.1	6.6
Assault	3.6	2.9	4.4	7.7	7.4	8.4
Other violent	.9	.7	1.1	3.4	2.5	0.6
Property offenses	34.5%	31.8%	38.8%	27.9%	26.3%	30.1%
Burglary	2.9	3.5	2.4	5.7	5.6	5.6
Larceny/theft	15.4	13.7	17.9	9.0	7.5	11.4
Fraud	13.3	11.5	15.6	8.9	9.3	8.2
Other property	2.9	3.1	2.9	4.2	3.9	4.9
Drug offenses	32.7%	32.2%	33.8%	35.1%	36.2%	36.5%
Possession	16.5	15.1	17.7	12.3	11.4	14.5
Trafficking	15.4	16.1	15.3	19.3	21.5	18.2
Other drug	.8	.9	.8	3.6	3.3	3.8
Public-order offense	21.4%	27.9%	11.9%	15.3%	18.2%	11.7%
Obstruction of justice	2.8	3.8	1.7	5.0	5.5	4.8
Driving while intoxicated	5.3	9.4	.4	1.0	2.0	0
Commercialized vice	5.7	5.5	5.0	2.2	1.5	2.5
Violation of parole/probation	4.1	4.4	3.1	2.8	3.1	2.0
Other public-order	3.5	4.9	1.7	4.4	6.1	2.3
Other offenses	2.3%	1.7%	2.9%	2.1%	2.6%	1.8%
Number of inmates	21,854	11,596	9,637	13,771	6,703	6,457

Note: Excludes an estimated 1,758 jail inmates whose conviction status or offense was unknown. Detail may not add to 100% because of rounding.

*Includes Asians, Pacific Islanders, American Indians, Alaska Natives, and other racial groups.

Table 6. Sentence length and special sentencing conditions of jail inmates, by sex, 1989

	Sentenced jail inmates, 1989	
	Female	Male
Location where sentence was to be served		
Jail	77.0%	76.1%
Prison	15.4	11.6
Unknown	7.6	12.3
Maximum sentence length		
Sentenced to jail		
Median	6 mos.	6 mos.
Mean	16 mos.	18 mos.
Awaiting transfer to State or Federal prison		
Median	60 mos.	72 mos.
Mean	72 mos.	103 mos.
Special conditions*		
Any condition or restriction	35.8%	26.8%
Restitution	9.2	5.5
Community service	7.7	3.0
Drug treatment	13.7	4.5
Alcohol treatment	7.2	6.4
Psychiatric/psychological counseling	1.3	1.9
Regular employment	6.1	2.4
House arrest	1.6	1.0
Other	15.5	13.0
Number of inmates	16,375	147,281

Note: Data include only those inmates who were new court commitments with a valid sentence length.

*Detail may add to more than total because an inmate may have received more than one special sentencing condition.

Criminal justice status at arrest

At the time of their arrest, nearly half of the female jail inmates were already in some criminal justice status (table 7). An estimated 31.6% of all female inmates were on probation; 5.5% were on parole; and 5.7% were out on bail or bond.

Convicted women were more likely than unconvicted women to have been on probation at the time of their arrest (39.9% compared to 22.4%), but were less likely than unconvicted women to have been out

Table 7. Criminal justice status of female jail inmates, by conviction status, 1989

Criminal justice status at arrest	Percent of female inmates		
	Total	Convicted	Unconvicted
None	53.2%	45.7%	59.2%
Status	46.8%	54.3%	40.7%
On probation	31.6	39.9	22.4
On parole	5.5	6.2	5.0
On bail/bond	5.7	4.6	8.1
On pretrial	2.1	1.3	3.7
Other release*	1.4	1.7	1.0
Escape	.5	.6	.5
Number of inmates	37,383	21,854	13,771

Note: Totals include inmates whose conviction status was unknown or who had no offense.
*Includes inmates on work release, study release furlough, and other conditional release.

on pretrial release or bail (11.9% compared to 5.9%).

Criminal history

Female inmates were more likely than male inmates to be first-time offenders (table 8). In 1989 nearly 1 in 3 women had never before been convicted, compared to about 1 in 5 men. Although these women had no prior offenses, many had been either charged with or convicted of a serious crime. Nearly half of the female first-time offenders were in jail for a violent offense, drug trafficking, flight to avoid prosecution, a violation of pretrial release, or a weapons offense.

	Percent of female, first-time offenders
Total	100.0%
Violent	19.1%
Property	23.7%
Drug	38.9%
Possession	11.7
Trafficking	24.9
Public-order	15.6%
Weapons	2.1
Driving while intoxicated	3.8
Violation of pretrial release or flight	1.9
Other	2.7%

The majority of women were nonviolent recidivists: 52.4% had in the past been sentenced to probation, jail, or prison for a

nonviolent offense and were currently in jail for a nonviolent offense. Women were far less likely than men to be in jail for a violent offense or to have a prior sentence for a violent offense. In 1989, current or prior violent offenders accounted for 22.4% of the women and 38.1% of the men; in 1983, they accounted for 28.6% of the women and 45.6% of the men. In general, female inmates in both years had similar criminal histories; however, the percentage of violent recidivists decreased slightly from 20.7% in 1983 to 16.2% in 1989.

Criminal records of women in jail were somewhat shorter than those of men (table 9). In 1989 more than half of the women in jail had either one or no prior offenses, compared to about two-fifths of the men. About 32% of the women reported 3 or more prior sentences, while more than 40% of the men reported 3 or more priors. Women were also less likely than men to have had juvenile records (19.3% compared to 31.6%).

Female inmates tended to be in jail for the same type of crime for which they had received a sentence in the past. For

Table 8. Criminal history of jail inmates, by sex, 1989 and 1983

Criminal history	Percent of jail inmates, 1989		Percent of jail inmates, 1983	
	Female	Male	Female	Male
Total	100.0%	100.0%	100.0%	100.0%
No previous sentence	31.3%	21.5%	30.9%	19.3%
Current violent offense	6.2	6.7	7.9	7.8
Current nonviolent offense	25.1	14.8	23.0	11.5
Violent recidivists	16.2%	31.4%	20.7%	37.8%
Current and prior violent	2.2	8.1	5.4	11.5
Current violent only	6.2	10.9	8.1	12.5
Prior violent only	7.8	12.4	7.2	13.8
Nonviolent recidivists	52.4%	47.1%	48.4%	42.8%
Prior minor public-order offenses only	4.1	3.4	8.1	4.1
Other prior offenses	48.3	43.7	40.3	38.7
Number of inmates	35,333	340,249	15,034	200,241

Note: Excludes an estimated 19,971 inmates in 1989 and 8,277 inmates in 1983 for whom current offense and prior probation/incarceration offenses were unknown.

Table 9. Prior sentences of jail inmates, by sex, 1989

Prior sentence	Percent of jail inmates	
	Female	Male
None	33.1%	22.4%
Juvenile	4.5	7.9
Adult only	47.6	45.9
Both	14.8	23.7
Number of times		
0	33.1%	22.4%
1	20.4	20.6
2	14.5	16.7
3-5	18.9	22.9
6-10	7.9	11.0
11 or more	5.1	6.3
Number of inmates	35,822	342,532

Note: Excludes an estimated 17,200 inmates for whom data on prior sentences to probation or incarceration were unknown. Detail may not add to total because of rounding.

example, women currently in jail for a violent offense were more likely than those in for other offenses to have a prior sentence for a violent offense (table 10). An estimated 15.5% of the female offenders currently in jail for a violent offense had been convicted of a violent offense in the past, compared to 9.7% of the property offenders and 7.9% of the drug offenders.

The current offenses of nonviolent offenders, considered in relation to past convictions, showed the same pattern. An estimated 64.1% of the female inmates in jail for a property offense had a prior conviction for a property offense; 32.9% of the drug offenders had a prior drug conviction; and 55.9% of those in jail for a public-order offense had a prior public-order offense.

Violent female inmates and their victims

Most women in local jails who had been convicted of a violent crime reported that they had victimized either someone close to them or someone they knew (table 11). In 1989 an estimated 16.0% had victimized a relative; 15.4% had victimized an intimate (a boyfriend, girlfriend or ex-spouse); 16.8% had victimized a friend or other persons they had known well; and 13.3% had victimized a casual acquaintance.

About half of the women (49.6%) and men (49.3%) in jail following conviction for a violent crime had victimized a female. A

smaller percentage of female inmates than of male inmates had victimized a minor (14.4% versus 24.8%).

Table 11. Characteristics of victims of convicted violent jail inmates, by sex of inmates, 1989

Victim characteristic	Percent of convicted jail inmates	
	Female	Male
Sex		
Male	50.4%	50.7%
Female	48.5	40.7
Both	1.1	8.6
Race		
White	57.0%	65.7%
Black	39.0	28.3
Other	4.0	2.4
Mixed	0	3.6
Age		
Minor	13.5%	22.7%
Adult	85.6	75.2
Both	.9	2.1
Victim/offender relationship		
Close	31.4%	22.9%
Relative	16.0	16.1
Intimate	15.4	6.8
Known	30.1%	32.9%
Well-known	16.8	13.1
Casual	13.3	19.8
Stranger	38.4%	44.1%
Number of inmates	1,850	31,816

Note: For sex, race, and age of the victim, the categories "both" and "mixed" refer only to multiple-victim crimes where the characteristics of the victims differed. The victim-offender relationship is based on the closest relation from among multiple victims, if relationships differed.

Drug use

In general, female inmates used more drugs and used those drugs more frequently than male inmates (table 12). More than half of the convicted female inmates had used drugs in the month prior to the current offense. A higher percentage of women than men had used drugs daily in the month prior to the offense (40.1% compared to 28.6%) and at the time of the current offense (37.5% compared to 25.9%).

Women were more likely than men to have used a major drug (heroin, cocaine or crack, LSD, PCP, or methadone) in the month before their current offense. More than twice as many women as men had used a major drug daily. Nearly a third of the convicted women, but less than a fifth of the men, committed their offense under the influence of a major drug.

Table 12. Drug use history of convicted jail inmates, by sex, 1989

	Percent of inmates	
	Female	Male
Any drug^a		
Ever used	83.6%	77.4%
Ever used on a regular basis	70.0	56.8
Used in the month before current offense	55.1	42.7
Used daily in month before current offense	40.1	28.6
Under the influence at the time of current offense	37.5	25.9
Major drug^b		
Ever used	70.7%	54.5%
Ever used on a regular basis	56.7	35.4
Used in the month before current offense	43.9	25.9
Used daily in month before current offense	31.8	15.7
Under the influence at the time of current offense	31.3	16.8
Number of inmates	21,782	196,620

^aIncludes cocaine, heroin, PCP, LSD, methadone, marijuana or hashish, amphetamines, barbiturates, methaqualone, and all other drugs.

^bIncludes only cocaine, heroin, PCP, LSD, and methadone.

Table 10. Criminal history of female jail inmates, by most serious current offense, 1989

Criminal history	Most serious current offense				
	Total	Violent	Property	Drug	Public-order
Total	100.0%	100.0%	100.0%	100.0%	100.0%
First offense	31.5%	45.4%	23.3%	36.6%	26.0%
Previous offenses	68.5%	54.6%	76.7%	63.4%	74.0%
Violent offenses	10.0	15.5	9.7	7.9	10.8
Property offenses	40.2	27.1	64.1	30.3	30.3
Drug offenses	20.6	12.9	11.4	32.9	19.4
Public-order offenses	30.5	21.4	23.5	27.1	55.9
Number of inmates	35,087	4,656	11,233	11,771	6,642

Note: Excludes an estimated 2,296 inmates for whom data on present or prior offenses were unknown. Subtotals may add to more than total because inmates may have been sentenced more than once or for more than one type of offense.

Drug use among female inmates changed between 1983 and 1989 (table 13). The percentage of convicted female inmates who reported using cocaine or crack in the

month before their offense more than doubled, from 15.2% in 1983 to 39.3% in 1989. The percentage who had reported use of marijuana or hashish declined from

33.4% to 23.4%. The use of other types of drugs either declined or remained about the same during the period.

Table 13. Drug use by convicted female jail inmates, by type of drug, 1989 and 1983

Type of drug	Percent of convicted female inmates who had used drugs			
	In the month before the offense		At the time of the offense	
	1989	1983	1989	1983
Any drug	55.1%	50.5%	37.5%	31.2%
Major drug	43.8%	27.1%	31.3%	20.9%
Cocaine or crack	39.3	15.2	24.9	7.4
Heroin	15.0	17.3	12.0	12.9
LSD	.8	1.4	.1	.7
PCP	2.1	3.7	0.8	2.2
Methadone	1.1	1.7	.7	2.2
Other drug	27.4%	39.8%	9.9%	16.6%
Marijuana	23.4	33.4	5.0	8.0
Amphetamines	6.6	8.7	4.1	4.0
Barbiturates	3.0	6.9	1.4	3.1
Methaqualone	1.0	2.6	.2	1.0

Note: Detail may add to more than total because an inmate may have been using more than one drug.

The percentage of convicted female inmates reporting that they were under the influence of drugs at the time of the current offense increased from 31.2% in 1983 to 37.5% in 1989. More than 3 of every 10 convicted female inmates in 1989 had been under the influence of a major drug at the time of their offense. In 1989 an estimated 24.9% had been under the influence of cocaine or crack — more than triple the percentage in 1983 (7.4%). The reported use of drugs other than cocaine or crack at the time of the offense, however, declined from 1983 to 1989.

Many women in jail have a long history of prior drug use and past treatment for drug abuse. Nearly 1 in 5 convicted female inmates in 1989 said they committed their current offense in order to get money to buy drugs. A quarter of the convicted female inmates had a prior sentence to probation,

How sentenced jail inmates used their time, 1989

Data on how inmates spend their time while serving their jail sentences were collected for the first time in the 1989 survey. Each respondent was asked a series of questions concerning the amount of time spent inside and outside their cells, doing physical exercise or working at an assigned job.

	Inmates sentenced to jail	
	Female	Male
Average number of hours per day spent in cell or room	16.8 hrs.	14.6 hrs.
Average number of hours per day spent doing physical exercise outside cell	1.2 hrs.	1.5 hrs.

On average, female inmates said they spend almost 17 hours a day in their cells or other housing units and about an hour a day outside of their cells doing physical exercise. Male inmates said they spent fewer hours in their cells (an average of about 15 hours per day) and slightly more time exercising (1.5 hours per day).

Women were less likely than men to have work assignments: 43.8% of the women compared to 58.9% of the men said they had work assignments inside or outside the jail facility. About an equal percentage of female (37.7%) and male inmates (41.1%) reported they had been assigned work within the facility; however, female inmates were significantly less likely than male inmates to work outside the jail (8.1% versus 23.2%).

Among jail inmates with work assignments, females reported working an average of 4.2 hours per day; males reported an average of 5.9 hours per day. The most common work assignment cited by female inmates was janitorial work (39.2%), followed by food preparation (18.0%), and then by other service jobs including work in the library, stockroom, or office (12.9%). The most common work assignment cited by male inmates was maintenance (28.5%), followed by food preparation (25.5%) and janitorial work (23.3%).

	Inmates sentenced to jail	
	Female	Male
Percent of inmates with work assignments		
Total ^a	43.8%	58.9%
Inside the jail	37.7	41.1
Outside the jail	8.1	23.2
Average number of hours per day spent working ^b	4.2 hrs.	5.9 hrs.
Percent of inmates assigned work, by type of work ^{a,b}		
Janitorial	39.2%	23.3%
Maintenance	5.4	28.5
Goods production/farming	4.2	5.9
Food preparation	18.0	25.5
Hospital, infirmary or other medical services	4.6	.2
Laundry	9.8	5.0
Other services (library, stockroom, store, office help, etc.)	12.9	7.7
Other	10.5	12.7

^aDetail may add to more than total because inmates may have had work assignment both inside and outside the facility or more than one work assignment.

^bBased on inmates with work assignments.

jail, or prison for a drug law violation. More than a third had participated in a drug treatment program. About a tenth were receiving treatment at the time of the survey.

	Percent of convicted female inmates, 1989
Who committed offense to get money for drugs	21.6%
Who had a prior sentence for a drug offense	24.5%
Who had ever received drug treatment	36.6%
Who were in treatment at time of the survey	11.2%

Table 14. Alcohol use and treatment of jail inmates, 1989

	Percent of jail inmates	
	Female	Male
Who had ever been an alcoholic	13.2%	21.7%
Who had ever participated in an alcohol abuse treatment program	9.5%	15.3%
Who were under the influence of alcohol at the time of the current offense*	20.6%	43.5%
Who reported drinking for 5 or more hours before the current offense*	9.0%	19.2%
Who reported being drunk or very drunk at time of the current offense*	8.4%	20.8%

*Percents based on convicted inmates only.

Alcohol abuse and treatment

For each of three measures of alcohol use — being under the influence of alcohol at the time of the offense, drinking for 5 or more hours before the current offense, or being drunk or very drunk when committing the offense — the percentages of convicted female inmates responding yes were half those of convicted male inmates (table 14). About 21% of the women in jail said that they had committed their offense under the influence, compared to an estimated 44% of the men. Nine percent of the women reported drinking for 5 or more hours before the offense, and 8% said they were drunk. Among the men about 20% had been drinking for 5 or more hours and more than 20% reported committing their offense while drunk.

Women also had lower levels of prior alcohol abuse than men. About 1 in every 8 female inmates versus 1 in 5 male inmates said they had been alcoholics at some time before their admission to jail. A smaller percentage of the female inmates (9.5%) than male inmates (15.3%) had participated in an alcohol abuse treatment program.

Mothers in jail

A large majority of women in jail were mothers. Nearly three-quarters of the women in jail had children, and more than two-thirds of the women had a child or children under age 18 (table 15). At the time of the survey, these 25,173 women had more than 52,000 children under age 18. Two-thirds of the women with young children were living with their children before entering jail. Black women were slightly more likely than white women to have children under age 18 and to have been living with them before entering jail.

Relatives cared for most of the children of mothers in jail. About a quarter of the mothers with young children said that one

or more of their children were living with the father at the time of the survey. Half of the women said their children were living with a grandparent, most often a maternal grandparent, and a fifth said their children were living with other relatives. Less than a tenth of the mothers indicated that their children were in a foster home or other institutional setting.

An estimated 84.5% of the women indicated that they intended to live with their young children after release from jail. More than 90% of the black mothers, compared to 77.7% of the white mothers, said they would live with their children after their release.

Table 15. Children of female jail inmates, by race, 1989

Characteristic	Percent of female inmates		
	All*	White	Black
Have children			
No	26.2%	28.6%	23.3%
Yes	73.8	71.5	76.7
Any under age 18	67.9	64.9	71.3
Adult only	5.9	6.6	5.4
Number of inmates	37,071	19,306	16,513
Number of children under age 18^a			
1	37.8%	38.9%	35.5%
2	33.4	37.0	31.3
3	17.9	14.9	21.1
4	6.4	5.3	7.9
5 or more	4.4	3.9	4.2
Lived with child(ren) under 18 before entering jail^b			
No	32.8%	35.9%	27.7%
Yes	67.2	64.1	72.3
Where child(ren) under 18 live(s) now^{a,b}			
Child's father	23.5%	30.1%	15.8%
Maternal grandparents	41.6	34.9	50.0
Paternal grandparents	8.7	9.3	7.1
Other relative	22.9	18.6	27.0
Friends	4.3	4.2	4.5
Foster home	6.5	7.2	6.1
Agency/institution	1.6	2.2	0.9
Other	4.0	5.0	1.9
Plan to live with child(ren) under 18 after release from jail^a			
Yes	84.5%	77.7%	91.7%
No	12.4	18.1	6.3
Don't know	3.1	4.3	1.9

Note: Female inmates had an estimated total of 52,267 children under age 18.

*Includes Asians, Pacific Islanders, American Indians, Alaska Natives, and other racial groups.

^aPercents are based on those inmates with children under age 18.

^bPercents add to more than 100% because inmates with more than one child may have provided multiple responses.

Family background

More women than men grew up in homes with either one or no parents present: 57.3% of female inmates and 51.8% of male inmates (table 16). Women in jail were also slightly more likely than men to have grown up or ever lived in a foster home.

Women were more likely than men in jail to have at least one close family member who had been in jail or prison. More than 44% of women had an immediate family member or spouse who had been incarcerated, and, for 34%, that family member was a brother or sister. About 34.5% of male inmates had a close family member who had been incarcerated.

Nearly a third of all women in jail reported that while they were growing up one or both

of their parents or guardians had abused alcohol or drugs: 29.3% reported parental alcohol abuse and 7.6% drug abuse. Male inmates were somewhat less likely to report parental alcohol or drug abuse. About a quarter of the men said a parent or guardian had abused alcohol or drugs. White and black female inmates had different family backgrounds. More than half of white female inmates, but less than a third of black female inmates, had grown up in a household with both parents. Nearly 47% of black women had lived primarily with their mothers when growing up, and grandparents had raised about 12.6%.

Black women were slightly more likely than whites to have had a family member ever serving a sentence in a jail or prison. About 42.1% of black women versus 26.8% of white women had a brother or sister with a prior incarceration. While white women

were more than twice as likely as black women to have had a father who had been incarcerated (13.2% compared to 5.6%), black women were slightly more likely to have had a mother with a prior incarceration (3.9% compared to 2.2%).

Parents of white women in jail had a higher rate of drug or alcohol abuse than parents of black women, 37.7% compared to 22.1%.

Physical and sexual abuse

More than 4 of every 10 women reported that they had been abused at some time before entering jail: 32.7% physically and 36.5% sexually (table 17). An estimated 31.3% of the women said they had been abused by an adult before age 18, and 29.5% said they had been abused since age 18.

Table 16. Family structure, incarceration of family members, and parental abuse of alcohol or drugs reported by jail inmates, by sex and race, 1989

	Percent of female inmates			Percent of male inmates	
	White	Black	All ^a	All ^a	
Person(s) lived with most of time while growing up					
Both parents	54.6%	30.0%	42.7%	48.2%	
Mother only	27.8	46.8	37.2	35.3	
Father only	3.6	2.4	3.1	3.6	
Grandparents	7.0	12.6	9.3	6.8	
Other relatives	2.5	4.2	3.2	3.1	
Friends	1.5	.9	1.2	.3	
Foster home	2.0	2.5	2.3	1.4	
Agency or institution	.3	.1	.3	.6	
Other	.7	.6	.7	.7	
Ever lived in a foster home, agency or institution while growing up					
No	80.0%	87.8%	82.7%	86.7%	
Yes	20.0	12.2	17.3	13.3	
Family member ever incarcerated					
No	60.0%	51.1%	55.7%	65.5%	
Yes ^b	40.0	48.9	44.3	34.5	
Spouse	3.5	1.0	2.2	.1	
Mother	2.2	3.9	2.9	1.2	
Father	13.2	5.6	9.7	7.7	
Brother/sister	26.8	42.1	34.0	28.4	
Child	.7	.6	.6	.1	
Parent or guardian abused alcohol or drugs while inmate was growing up					
No	62.4%	78.0%	68.9%	74.2%	
Yes	37.7	22.1	31.0	25.8	
Alcohol	27.5	17.4	23.4	22.3	
Drugs	2.2	1.1	1.7	.7	
Both alcohol and drugs	8.0	3.6	5.9	2.8	
Number of inmates	19,451	16,661	37,383	358,171	

^aIncludes Asians, Pacific Islanders, American Indians, Alaska Natives, and other racial groups.

^bDetail may add to more than total because more than one family member may have been incarcerated.

Table 17. Prior physical or sexual abuse of jail inmates, by sex, 1989

	Percent of jail inmates		
	Total	Females	Males
Ever physically or sexually abused before current incarceration			
No	84.0%	55.6%	86.9%
Yes	16.0	44.4	13.1
Before age 18 (by an adult)			
Since age 18	8.1	29.5	5.9
Physically abused	13.1	32.7	11.1
Sexually abused	7.6	36.5	4.6

Note: Sexual abuse includes fondling, molestation, incest, sodomy, rape, and other types of sexual assault. Detail adds to more than total because some inmates were abused both before and since age 18 or were both sexually and physically abused.

Table 18. Criminal history of female inmates, by prior physical or sexual abuse, 1989

Criminal history	Percent of female inmates		
	Total	Never abused	Ever abused
No previous sentence	30.8%	33.2%	27.9%
Current violent offense	6.0	5.5	6.6
Current nonviolent offense	24.8	27.7	21.3
Violent recidivists	16.2%	13.2%	19.7%
Current and prior violent	2.2	1.6	2.9
Current violent only	6.1	5.7	6.5
Prior violent only	7.9	5.9	10.3
Nonviolent recidivists	53.1%	53.5%	52.5%
Prior minor public-order offenses only	4.2	3.5	5.0
Other prior offenses	48.9	50.0	47.5
Number of inmates	34,600	19,066	15,534

Note: Percents may not add to total because of rounding.

Compared to men in jail, the women were at least 3 times more likely to have been abused before age 18 and 5 times more likely at age 18 or after.

Abused women were more likely than other women in jail to be violent recidivists: 19.7% of the abused women, compared to 13.2% of those who had not been abused, were recidivists with a prior or current violent offense (table 18).

Methodology

A jail is defined as a confinement facility administered by a local government agency that holds persons detained pending adjudication and persons committed after adjudication, usually for sentences of a year or less. Convicted jail inmates are either awaiting sentencing, serving sentences to jail confinement, awaiting transfer to a prison or serving a prison sentence in jail by arrangement with prison authorities. Unconvicted inmates are those who have been unable to obtain pretrial release, those detained pending trial, those on trial at the time the survey was being conducted, and those held for other governmental entities.

The 1989 Survey of Inmates in Local Jails was conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census. Through personal interviews during July, August, and September 1989, data were collected on individual characteristics of jail inmates, current offenses and sentences, characteristics of victims, criminal histories, jail activities and programs, prior drug and alcohol use and treatment, and health care services provided while in jail. Similar surveys of jail inmates were conducted in 1972, 1978, and 1983.

Sample design

The sample for the 1989 survey was selected from a universe of 3,316 jails that were enumerated in the 1988 National Jail Census. The sample design was a stratified two-stage selection. In the first stage six separate strata were formed based on the size of the male and female populations. In two strata all jails were selected; in the remaining four strata, a systematic sample of jails was selected proportional to the size of each jail. Overall, a total of 424 local jails were selected. In the second stage interviewers visited each selected facility and systematically selected a sample of male and female inmates using predetermined procedures. As a result,

approximately 1 of every 70 men were selected, and depending on the stratum, 1 of every 14, 15, or 70 women were selected. A total of 5,675 interviews were completed, yielding an overall response rate of 92.3%.

Based on the completed interviews, estimates for the entire population were developed using weighting factors derived from the original probability of selection in the sample. These factors were adjusted for variable rates of nonresponse across strata and inmate characteristics. Further adjustments were made to control the survey estimates to counts of jail inmates obtained from the 1988 National Jail Census and the 1989 Sample Survey of Jails.

Accuracy of the estimates

The accuracy of the estimates presented in this report depends on two types of errors: sampling and nonsampling. Sampling error is variation that may occur by chance be-

cause a sample rather than a complete enumeration of the population was conducted. Nonsampling error can be attributed to many sources, such as non-response, differences in the interpretation of questions among inmates, recall difficulties, and processing errors. In any survey the full extent of the nonsampling error is never known.

The sampling error, as measured by an estimated standard error, varies by the size of the estimate and the size of the base population. Estimates of the standard errors have been calculated for the 1989 and 1983 surveys of jail inmates, specifically for the populations of female jail inmates (see appendix table). These standard errors may be used to construct confidence intervals around percentages in this report. For example, the 95-percent confidence interval around the percentage of female jail inmates in 1989 who were in jail for a drug offense is 33.6% plus or minus 1.96 times 1.3 (or 31.1% to 36.1%).

Appendix table. Standard errors of the estimated percentages, female jail inmates, 1989 and 1983

Base of the estimate and year	Estimated percentages					
	98 or 2	90 or 10	80 or 20	70 or 30	60 or 40	50
1000						
1989	2.4	5.1	6.8	7.8	8.3	8.5
1983	1.1	2.3	3.1	3.5	3.8	3.9
2000						
1989	1.7	3.6	4.8	5.5	5.9	6.0
1983	0.8	1.6	2.2	2.5	2.7	2.7
5000						
1989	1.1	2.3	3.0	3.5	3.7	3.8
1983	0.5	1.0	1.4	1.6	1.7	1.7
10,000						
1989	0.8	1.6	2.2	2.5	2.6	2.7
1983	0.3	0.7	1.0	1.1	1.2	1.2
15,000						
1989	0.6	1.3	1.8	2.0	2.2	2.2
1983	0.3	0.6	0.8	0.9	1.0	1.0
20,000						
1989	0.5	1.1	1.5	1.7	1.9	1.9
25,000						
1989	0.5	1.0	1.4	1.6	1.7	1.7
30,000						
1989	0.4	0.9	1.2	1.4	1.5	1.6
37,383*						
1989	0.4	0.8	1.1	1.3	1.4	1.4

Note: The reliability of an estimated percentage depends on the size of the percentage and its base. Each standard error when multiplied by 1.96 provides a 95-percent confidence interval around an estimated percentage. To calculate the standard error of the difference between two estimated percentages, take the square root of the sum of each squared standard error for the percentage being compared.

*The total number of female jail inmates in 1989.

These standard errors may also be used to test the statistical significance of the difference between two sample statistics by pooling the standard errors of the two sample estimates. For example, the standard error of the difference in the percentage of women in jail for drug offenses in 1989 compared to 1983 would be 1.4 (or the square root of the sum of the squared standard errors in each year). Since the observed difference of 20.5% (33.6% minus 13.1%) is greater than 2.8%, the difference would be considered statistically significant.

All comparisons discussed in this report were statistically significant at the 95% confidence level. Because of the sample design, State, local, or other subnational estimates cannot be made.

Self-reported information

Criminal history data are based on self-reported information provided by each respondent. Through a series of questions, inmates were asked to report on past probation sentences as juveniles and as adults and on past sentences to incarceration up to 10 prior times. For each sentence, the inmates were asked the offenses for which they were sentenced, the type of institution in which they served time, the date of admission, and the length of time actually served. From this information, a criminal history profile was constructed. A recidivist was defined as an inmate who reported a sentence to probation or incarceration at any time in the past.

Drug use and treatment history data are also based on responses from the inmates. Inmates were asked a detailed set of questions about each of 10 types of drugs. These drugs included heroin; methadone used outside of a treatment program; amphetamines and barbiturates (alone and in combination); cocaine or crack; LSD; PCP; and marijuana or hashish. Drug-use histories were developed by examining the responses to questions for each of these drugs. Inmates who were unconvicted (awaiting arraignment, awaiting trial, or on trial) were not asked any questions about drug use during the month before the arrest for which they were currently detained or about drug use in the month before the first offense for which they had served time in the past.

Tracy L. Snell wrote this report under the supervision of Allen J. Beck. Tom Hester edited the report. Craig A. Perkins and James J. Stephan provided statistical assistance. Marilyn Marbrook supervised production of the report, assisted by Betty Sherman, Yvonne Boston, and Jayne Pugh. Data collection and processing were carried out at the Demographic Surveys Division, U.S. Bureau of the Census under the supervision of Lawrence S. McGinn and Gertrude Odom. Sample design and weighting were provided at the Statistical Methods Division, the Bureau of the Census, by Wendy Scholetzky and Deborah Fenstermaker.

NCJ-134732 March 1992

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Statistics, Office for Victims of Crime, National Institute of Justice, Bureau of Justice Assistance, and Office of Juvenile Justice and Delinquency Prevention. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; 1-800-999-0960. The dataset is archived as the Survey of Inmates in Local Jails, 1989 (ICPSR 9419).

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

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Date Received: 03-02-92 Date Due: NONE Control #: X92030203485
Subject & Date
02-28-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS
(BJS) NEWS RELEASE SCHEDULED FOR MARCH 4, 1992,
REPORTING THAT MORE PROSECUTORS ARE NOW MAKING A GREATER
EFFORT TO INVOLVE CRIME VICTIMS. ADVISES THAT A COPY OF
THIS RELEASE HAS BEEN TRANSMITTED TO PAO FOR REVIEW.

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28 FEBRUARY 92



U.S. Department of Justice

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FEB 28 1992

EXECUTIVE SECRETARIAT

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--State
Prosecutors

Attached for your information is a Bureau of Justice Statistics (BJS) news release scheduled for March 4, reporting that more prosecutors are now making a greater effort to involve crime victims. The 1990 National Prosecutor's Survey found that an estimated 93 percent of state prosecutors nationwide say they routinely advise crime victims about the outcome of their cases. In 1974 only about 35 percent of the nation's state prosecutor's offices reported that they regularly shared the case outcome with the victims.

The sample survey, which represents the 2,300 chief prosecutors in the nation's 3,109 counties and independent cities and is the most comprehensive to be undertaken since 1974, also found major changes in how such offices handle child support matters now compared to 15 years ago. The enforcement of support orders today is often carried out by probation personnel or special units operated by the courts, thus helping to unburden prosecutors. Other findings from the 1990 survey include:

- o Fifty-three percent of the nation's local districts had full-time prosecutors, compared to 44 percent in 1974. In the 75 largest counties throughout the country, accounting for 37 percent of the population and about one-half of all reported crime, the chief prosecutors were full-time employees. Fifty-one percent of the prosecutors in the other 3,034 counties were employed full-time. Prosecution and legal services employment grew 70 percent from 1974 through 1988.

o Public defenders were found in almost all of the 75 largest counties but in fewer than one-half of the smaller districts. Public defenders were least prevalent in the South and in the Midwest. In the South 73 percent of the districts used assigned private counsel to assist indigent defendants.

o Two-thirds of the surveyed prosecutors said that the incompleteness of criminal history record information was a major problem for them, and about half said that the records were not current.

o Fifty-two percent of the prosecutors worked in states that did not permit them to negotiate a plea in exchange for leniency, and 39 percent were in states with voluntary sentencing guidelines for judges.

o Prosecutors have the right to ask for a jury trial in more than one-half the prosecutorial districts. In the West 80 percent of the prosecutors have such a right; in the South, 76 percent; in the Midwest, 42 percent; and in the Northeast, 34 percent.

o Eighty-eight percent of the prosecutors recommended a sentence to a judge following conviction.

o Three-fourths of the prosecutors worked in States where parole boards decided the actual amount of time to be served on a sentence to prison. Of these prosecutors, 75 percent indicated that the parole policies or practices influenced the sentencing recommendations that they made.

o Chief prosecutors in counties with speedy trial rules reported in 1990 an annual average of 16 dismissals for non-compliance with these rules. Nationally, prosecutors reported dismissal of one felony case a year for exceeding speedy-trial limits, accounting for a one-third of 1 percent of all felony cases handled.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
WEDNESDAY, MARCH 4, 1992

BJS
202-307-0784

PROSECUTORS IN STATE COURTS, 1990

WASHINGTON, D.C. -- An estimated 93 percent of state prosecutors nationwide report that they routinely advise crime victims about the outcome of their cases, according to a survey released today by the Bureau of Justice Statistics. The Bureau, a Department of Justice component in the Office of Justice Programs, said in 1974 only about 35 percent of the nation's state prosecutor's offices reported that they regularly shared the case outcome with the victims.

"The data from the 1990 National Prosecutor's Survey suggest prosecutors are making a much greater effort to involve crime victims than they did heretofore," said Bureau Director Steven D. Dillingham.

"The sample survey, which represents the 2,300 chief prosecutors in the nation's 3,109 counties and independent cities and is the most comprehensive to be undertaken since 1974, also found major changes in how such offices handle child support

-MORE-

matters now compared to 15 years ago," Dillingham noted. "The enforcement of support orders today is often carried out by probation personnel or special units operated by the courts, thus helping to unburden prosecutors.

"In 1990, 69 percent of the prosecutors' offices were responsible for enforcing orders under the Uniform Reciprocal Support Act, compared to 93 percent in 1974." Other findings from the 1990 survey include:

--Fifty-three percent of the nation's local districts had full-time prosecutors, compared to 44 percent in 1974. In the 75 largest counties throughout the country, accounting for 37 percent of the population and about one-half of all reported crime, the chief prosecutors were full-time employees. Fifty-one percent of the prosecutors in the other 3,034 counties were employed full-time. Prosecution and legal services employment grew 70 percent from 1974 through 1988.

--Public defenders were found in almost all of the 75 largest counties but in fewer than one-half of the smaller districts. Public defenders were least prevalent in the South and in the Midwest. In the South 73 percent of the districts used assigned private counsel to assist indigent defendants.

--Two-thirds of the surveyed prosecutors said that the

incompleteness of criminal history record information was a major problem for them, and about half said that the records were not current.

--Fifty-two percent of the prosecutors worked in states that did not permit them to negotiate a plea in exchange for leniency, and 39 percent were in states with voluntary sentencing guidelines for judges.

--Seventy-two percent of the prosecutors serving the 75 most populous counties had explicit criteria to control plea negotiations by assistants. In all offices with assistant prosecutors, 44 percent of the chief prosecutors had such criteria.

--Prosecutors have the right to ask for a jury trial in more than one-half the prosecutorial districts. In the West 80 percent of the prosecutors have such a right; in the South, 76 percent; in the Midwest, 42 percent and in the Northeast, 34 percent.

--Eighty-eight percent of the prosecutors recommended a sentence to a judge following conviction.

--Three-fourths of the prosecutors worked in States where parole boards decided the actual amount of time to be served on a sentence to prison. Of these prosecutors, 75 percent indicated

that the parole policies or practices influenced the sentencing recommendations that they made.

--Chief prosecutors in counties with speedy trial rules reported in 1990 an annual average of 16 dismissals for non-compliance with these rules. Nationally, prosecutors reported dismissal of one felony case a year for exceeding speedy-trial limits, accounting for a one-third of 1 percent of all felony cases handled.

Single copies of the BJS bulletin, "Prosecutors in State Courts, 1990," (NCJ-134500) as well as other information about the Bureau's publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

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Bureau of Justice Statistics Bulletin

Prosecutors in State Courts, 1990

By John M. Dawson
BJS Statistician

During the year ending June 30, 1990, approximately 2,300 chief prosecutors employed about 23,000 deputy attorneys for the prosecution of felony cases in State courts. The prosecutors served the Nation's 3,109 counties and independent cities, obtaining convictions on about 668,000 felonies, according to an estimate from a nationwide survey of felony cases in 1988.

Chief prosecutors employed on average 10 assistant prosecutors and served districts with an average population of about 111,000 people. Their offices obtained about 300 felony convictions a year. One in five chief prosecutors had responsibility for more than one county.

These findings are from the National Prosecutor Survey Program (NPSP) of the Bureau of Justice Statistics (BJS), the first national survey of prosecutors since 1974, when the National District Attorneys Association (NDAA) polled over 1,100 offices.¹

Among the items covered by both the 1990 and 1974 surveys were the following:

- In 1990, 86% of the chief prosecutors had a 4-year term of office, an increase from 79% in 1974. In the earlier survey 16% of the chief prosecutors were serving a 2-year term; by 1990, that percentage had fallen to about 5%.

¹Healy, Patrick F. *National Prosecutor Survey*. Chicago: National District Attorney Association, 1977.

The resources, policies, and practices of prosecutors — most often called district, county, or prosecuting attorneys — bear directly on the effectiveness of the Nation's response to crime. The results from the first national survey of prosecutors in more than 15 years reveal an institution that has had to change to meet new challenges in criminal justice.

The 1990 survey, the first for the National Prosecutor Survey Program, is being

March 1992

followed this year with a second survey and an expanded questionnaire. We gratefully recognize the cooperation of the survey participants. Without their thoughtful and complete responses, an accurate and now up-to-date understanding of the Nation's prosecutors would not be available.

Steve D. Dillingham, Ph.D.
Director

- In 1990 over half (53%) the prosecutors worked at their position full time. In 1974, 44% of the prosecutors were full-time.

- In 1990 half of the full-time chief prosecutors had at least one assistant. Thirty-seven percent had more than two assistants. Of these assistants 87% were full-time. In 1974, 37% of the full-time chief prosecutors had at least one assistant and 21% had more than two; of the assistants 77% were employed full time.

- In 1990, 36% of the chief prosecutors maintained formal control over plea bargaining, a decrease from 80% in 1974.

- Prosecutors had more extensive contact in 1990 than in 1974 with interested parties in felony cases — witnesses, testifying police officers, and victims. In 1990, 95% of the chief prosecutors routinely notified witnesses when to appear, and 93% usually told the police and victims about the results of plea bargaining. In 1974, 87% notified witnesses, 44% routinely reported

the case outcome to the police, and 35% routinely notified the victim.

- Comparing responses in 1974 and 1990, no significant differences separated the percentages of prosecutors reporting the responsibilities of citizen complaints (87%), traffic infractions (86%), and juveniles (84%).

- Almost all prosecutors (97%) in 1990 handled extradition, a nonfelony matter. In 1974, 88% of prosecutors had responsibility for extraditions.

- Before 1990 responsibility for the Uniform Reciprocal Support Act had been removed from many prosecutors' offices. The percentage of prosecutors having such responsibility fell from 93% in 1974 to 69% in 1990.

- In both 1990 and 1974, about two-thirds of the chief prosecutors were notified of a felony arrest within 24 hours.

1990 survey of prosecutors

The National Prosecutor Survey Program (NPSP) surveyed a nationally representative sample of 290 chief prosecutors. All States except Vermont, which did not by chance enter the random sample, were represented in the survey. Completed questionnaires were obtained from 289 of them. The prosecutorial districts of these chief prosecutors encompassed a total of 514 counties and independent cities. (In this report the term "county" includes both counties and independent cities, such as Baltimore and St. Louis, that have their own court systems, separate from any adjacent or surrounding counties.)

Chief prosecutors, their staffs, and workload

What is a "chief prosecutor"?

A *chief prosecutor* is the attorney who advocates for the public in felony cases, as well as in a variety of other cases. A prosecutor's responsibilities are limited geographically. A *prosecutorial district* follows county lines and typically consists of a single county but may include two or more. In 1990 approximately half of these officials had the title of either district attorney or county attorney (table 1). A chief prosecutor may have a staff of "assistant prosecutors," attorneys who do much of the actual case work.

Selection and term of office of chief prosecutors

In 1990, 97% of chief prosecutors were locally elected, the same percentage as in 1974. The other 3% were appointed officials in —

- Alaska, Connecticut, and Delaware, where criminal prosecution is the responsibility of the State's attorney general

Table 1. Title of chief prosecutors, 1990

Title	Percent of chief prosecutors
District Attorney	28%
County Attorney	27
Commonwealth's Attorney	10
Prosecuting Attorney	18
State's Attorney	9
All other titles	8

- New Jersey, where the Governor appoints a prosecutor for each county in the State

- The District of Columbia, where the U.S. Attorney for the District of Columbia prosecutes both local and Federal crimes.

Eighty-six percent of the chief prosecutors had a 4-year term of office, compared to 79% in 1974 (table 2). In 1990 fewer prosecutors had a term of office shorter than 4 years.

Prosecutor's responsibility for nonfelony matters

The 1974 and 1990 surveys presented prosecutors with a list of 16 nonfelony areas. In both years every respondent indicated responsibility for at least one of

Table 2. Chief prosecutor's term of office, 1974 and 1990

	Percent of chief prosecutors in	
	1974	1990
Total	100%	100%
2	16	5
4	79	86
5	0	1
6	3	6
8	2	2
Mean	3.8 yrs	4.1 yrs

Table 3. Prosecutorial responsibility for non-felony matters, 1974 and 1990

Type of non-felony matter	Percent of chief prosecutors	
	1974	1990
Increase		
Extradition	88%	97%
Family and domestic relations	45	54
Decrease		
Non-support	89%	73%
Uniform Reciprocal Support Act	93	69
Public nuisance	77	69
Consumer protection	71	52
Suits for collection of taxes	62	46
Condemnation	54	42
Non-criminal cases (injunctions and suits for damages)	48	37
Other than listed	21	10
No change		
Citizen complaints	87%	87%
Traffic	86	86
Juveniles	84	84
Paternity	67	67
Mental commitments	65	65
Environmental protection	62	62

those areas. Overall, the responses revealed an increasing concentration on felony matters (table 3). In the later survey, a larger percentage of prosecutors reported involvement in two areas: in surrendering persons accused of an offense in another State (extradition) and in family-related matters. Decreases, however, occurred in eight areas. In the remaining six areas any apparent change in percentages between the 2 years is likely to be the result of surveying a sample rather than the entire population of prosecutors.

Full-time and part-time employment of chief prosecutors

Nationally, 53% of districts had a full-time chief prosecutor in 1990, an increase from 44% in 1974. In the 75 largest counties, accounting for 37% of the population and approximately 50% of reported crime and felony convictions in the Nation, all chief prosecutors were employed full time. Of the remaining prosecutors, covering 3,034 counties, 51% were full-time (table 4). The number of assistant prosecutors rose from 17,000 in 1974 to 23,000 in 1990.

Table 4. Employment, staffing, and workload of chief prosecutors, 1990

	Chief prosecutors		
	Total	Full-time	Part-time
Percent of chief prosecutors serving more than one county	20%	29%	11%
Average number of felony convictions per chief prosecutor			
Mean	292	515	24
Median	49	203	15
Ratio of cases to total number of prosecuting attorneys	29	32	10
Average number of assistant prosecutors per chief prosecutor			
Mean	9	15	1
Median	2	5	1
Percent with at least one full or part-time assistant prosecutor	77%	89%	64%
Full-time	50	84	13
Part-time	59	27	54

Note: Source of workload data is the National Judicial Reporting Program survey of 1988 felony convictions in State courts. See note on table 1.

between the surveys; the percentage of chief prosecutors who employed one or more assistants also went up, 37% to 50% (table 5). These increases paralleled the 70%-growth in employment in prosecution and legal services that occurred between 1974 and 1988. The percentage of full-time personnel in prosecution and legal services, which includes civil cases, was 91% in 1988, compared to 88% in 1974. In 1990, 87% of assistants were full-time employees.²

Workload and population served

The districts of chief prosecutors with no legal assistants had on average a 10th of the population of districts where prosecutors had staff assistants. Offices of prosecutors working alone handled an average of 10 felony cases per year, compared to 364 per year in the districts with staffs (table 6). Clearly, the size of the prosecutorial staff, the average number of convictions per prosecutor, and the ratio of cases to number of assistant prosecutors were directly related to the size of the county and the resultant number of felonies.

²Sourcebook of Criminal Justice Statistics - 1976, Michael J. Hindelang, et al., U.S. Department of Justice, February 1977, Table 1.49, and Justice Expenditure and Employment, 1988, BJS report, NCJ-124132, July 1990, table 7.

Table 5. Employment of assistant prosecutors, 1974 and 1990

	1974	1990
Total number of assistant prosecutors	17,000	23,000
Full-time		
Percent of chief prosecutors employing one or more full-time assistants	37%	50%
Percent of chief prosecutors employing more than two full-time assistants	21%	37%
Mean number of full-time assistants per chief prosecutor	6	8
Percent of assistant prosecutors employed full-time	77%	87%
Part-time		
Percent of chief prosecutors employing one or more part-time assistants	31%	41%
Percent of chief prosecutors employing more than two part-time assistants	8%	11%
Mean number of part-time assistants per chief prosecutor	1	1

For the workload comparisons among regions of the country, only the South differed significantly, having a larger average of sentenced cases per prosecuting attorney (38 in the South versus 23 in the Northeast and Midwest and 29 in the West) (table 7).

Career-criminal units

Prosecutors and other criminal justice professionals have generally come to recognize that prosecuting repeat offenders effectively reduces crime. Even if the current charge against a repeat offender is for an offense less serious than past conviction offenses, prosecution may prevent yet more serious offenses. To target repeat offenders, assistant prosecutors in a specialized career-criminal unit collaborate with law enforcement agencies.³ If persons identified as career-criminals are arrested, assistants in that unit serve as the prosecutors.

³An example is New York County District Attorney's Office Annual Report, 1985-1986, pp. 14-19.

In 1990 the larger districts, with more resources, were more likely than other districts to have a career-criminal unit. While in the Nation as a whole 8% of chief prosecutors had a career criminal unit, 61% in the larger places had such a unit.

Policies and practices related to the stages of felony prosecutions

Point of the prosecutor's first involvement

The prosecutor usually does not know of a felony matter until a law enforcement agency makes an arrest. Because 95% of prosecutors receive felony cases from three or more arresting agencies, an opportunity exists for considerable variation in the time between arrest and notification of the prosecutor's office. About 73% of law enforcement agencies in the United States are State or local police departments and 18% are county sheriff's departments, with

Table 6. Prosecutorial workload and population served, by part-time status of chief prosecutor, county population, and presence of assistant prosecutors, 1990

	Chief prosecutor			Counties		Staff with assistant prosecutors	
	Total	Full-time	Part-time	75 largest	Elsewhere	Yes	No
Population served per chief prosecutor (in 1,000's)							
Mean	111	186	27	1,200	73	140	14
Median	35	80	22	830	33	48	10
Average number of felony convictions per chief prosecutor							
Mean	292	523	32	4,239	157	364	10
Median	49	203	15	2,546	45	77	6
Percent of chief prosecutors							
Employed full time	53%	100%	0	100%	51%	61%	25%
Serving more than one county	20	29	11	1	21	24	10
Felony convictions per 1,000 population served	3	3	1	3	2	3	1
Ratio of convictions to total number of prosecuting attorneys	29	32	10	34	27	29	10

Note: The ratios in this table were computed as the sum of all numerators divided by the sum of all denominators.

Table 7. Prosecutorial felony case workload, by region, 1990

	Number of cases annually				
	All	Northeast	Midwest	South	West
Ratio of sentenced felony cases to total number of full- and part-time					
Prosecuting attorneys	29	23	23	38	29
Assistant prosecutors	32	24	28	42	31

the remainder being special agencies such as transit police or campus police.⁴

Some prosecutors are notified only after the arresting agency has filed papers in a special or "lower" court. This court conducts necessary pretrial events, such as informing the accused person of the charges, setting bail, and assigning defense counsel.

As in 1974, approximately two-thirds of chief prosecutors in 1990 were notified within 24 hours of a felony arrest (table 8). The proportion of prosecutors not knowing about an arrest within a day did not increase from 1974 to 1990 despite the increased workload for police and prosecution. Lack of early notification was more prevalent in the South than elsewhere and least prevalent in the Midwest and West.

Early involvement of the prosecutor — before a felony court takes jurisdiction — permits the prosecutor to dismiss a case.⁵ In 1974, 80% of chief prosecutors reviewed all felony arrests before the case was taken into court, to determine whether the case should be prosecuted and what the proper charges should be. In 1990 that percentage had dropped to 47%. In 1990 a majority of chief prosecutors in the Midwest and West reviewed all felony arrests before filing.

Assigning prosecutors to cases

When a staff attorney handles all phases of a criminal case, the processing is known as "vertical" case assignment. A career-criminal unit, described above, is an example of vertical case assignment in which certain assistant prosecutors handle repeat offenders from the targeting stage onward. "Horizontal" assignment means that different assistants specialize in different phases — drafting complaints, conducting trials, or doing appellate work.

⁴State and Local Police Departments, 1990, BJS Bulletin, NCJ-133284, January 1992, table 1.

⁵For data on case rejections and dismissals, and the reasons for such actions, see *Report to the Nation on Crime and Justice*, 2nd ed., NCJ-105506, March 1988, p. 73. See generally, *Prosecution of Felony Arrests*, 1987, BJS report, NCJ-124140, August 1990.

In the 75 largest counties, as well as elsewhere, more than 90% of chief prosecutors assigned some of their workload on a vertical basis, with staff attorneys keeping cases from charging onward. But in the 75 largest counties, 27% of the prosecutors, versus 72% in staffed districts elsewhere, assigned most or all of the work on a vertical basis.

The relatively high percentage of the 75 largest districts having some, but not most or all, cases assigned on a vertical basis, reflects the greater likelihood of the larger districts' handling certain cases in specialized units (table 9). Typical examples are death penalty cases, child-victim cases, sex cases, and racketeering cases.

Providing legal counsel for indigent defendants

The Federal Constitution guarantees rights to citizens as they relate to the Federal Government and Federal criminal prosecutions. Such rights are not automatically applicable to State governments and State criminal prosecutions. In lawsuits concerning specific rights, the U.S. Supreme Court decides applicability of such rights to the States. The principal issue of applicability is whether the right is a fundamental one, versus one meant to limit or regulate Federal power.

The sixth amendment to the U.S. Constitution establishes the right of a criminal defendant to have assistance of counsel for his defense. The Supreme Court has ruled that counsel must be available to any defendant who is at risk of a Federal or

State sentence of incarceration.⁶ This right extends to indigent defendants unable to pay a lawyer.⁷ If an indigent defendant who faces a penalty of incarceration wants a lawyer, the State must either provide a lawyer or seek a lesser penalty.

Public defender offices — government agencies employing attorneys to provide counsel to indigent criminal defendants — were found in 57% of prosecutorial districts. In about the same percentage (58%) of districts, the court assigned some or all cases of indigent defendants to private attorneys. In about 1 in 5 districts the courts had contracted for representation of indigent defendants with individual private attorneys, law firms, or local bar associations.⁸

Public defenders were present in nearly all of the 75 largest counties but were found in less than half of the smaller districts that had no assistant prosecutors. Public defender offices were least prevalent in the South and Midwest regions. The South was the region with the highest percentage of districts using assigned private counsel — 73%.

⁶*Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁷*Argersinger v. Hamlin*, 407 U.S. 25 (1972).

⁸For a description of the major systems of delivery of indigent defense, see *Criminal Defense Systems*, BJS Special Report, NCJ-94630, August 1984.

Table 9. Use of vertical assignment of felony cases, by county size, 1990

Amount of cases assigned on vertical basis	Percent of chief prosecutors in		
	All	75 largest counties	Elsewhere
None	12%	4%	12%
Some	18	69	16
Most or all	70	27	72

Table 8. Chief prosecutors' involvement in felony cases before filing, by region, 1990

	All	Northeast	Midwest	South	West
Percent of chief prosecutors					
Notified within 24 hours of felony arrest	63%	42%	83%	25%	88%
Reviewing all felony cases before filing	47	19	65	27	51

Formal commencement of felony cases in court

After a document charging a person with a crime is submitted to the felony court, an event known as a case "filing," the court takes control of the case. In 1990 more than a third (39%) of felony cases began with the filing of a charging document ("indictment") by a grand jury (table 10). In most other felony cases, the charging document is an "information" filed by the prosecutor. Either type of document states who the accused person is and what illegal acts were committed.

To proceed on the basis of an information rather than an indictment, the prosecutor normally must present the case in a preliminary hearing, which in some places occurs in a lower court. In a preliminary hearing, the judge reviews the facts and circumstances of the case to determine whether there are reasonable grounds ("probable cause") to believe the accused person committed the crime he or she is charged with.

The accused person may waive any right to have the matter reviewed by grand jury. Such waivers often occur, particularly when the accused decides to plead guilty early in the case.

Almost 4 in 10 felony cases in 1990 began with an indictment, and almost 3 in 10 with an information. Regional differences were large. Cases were likely to begin with grand jury indictment in the Northeast and the South, while cases elsewhere were more likely to begin with the filing of an information.

Use of grand juries

The fifth amendment to the Constitution establishes that a citizen accused of a felony has the right to have a grand jury, rather than the prosecutor, decide whether he or she shall be prosecuted. Except in cases that could involve a death sentence, the accused may waive this right. The grand jury right does not apply to prosecutions in State courts.⁹ About half of the States, however, have laws allowing or requiring the use of grand juries in felony cases.¹⁰ In these States, the State constitution or legislature provides for grand juries.

⁹Hurtado v. California, 110 U.S. 516 (1884).

¹⁰Report to the Nation on Crime and Justice, p.72.

Where grand juries are used, an indictment takes precedence over the prosecutor's view of whether probable cause exists in a case. Nevertheless, in 1990, in half of the districts the indictment could not be filed in felony court without the chief prosecutor's signature. State laws that authorize grand juries do not necessarily permit prosecutors to participate in the proceedings. Where the law permitted participation, about half (48%) of chief prosecutors chose to (table 11).

The court rather than the prosecutor convenes grand juries. In 44% of districts with grand juries, however, judges of a lower court or a felony court screened cases for probable cause, providing for greater grand jury efficiency. Fifty-eight percent of prosecutorial districts had grand juries that regularly returned felony indictments — 80% of districts in the 75 largest counties had grand juries versus 57% of districts elsewhere. These percentages did not include grand juries that are constituted for

purposes other than indictment, such as for investigation of government officials or for routine matters required by law, like inspection of local jails.

Among the regions, the South had the highest percentage of prosecutorial districts with grand juries (92%) and the most frequent use of judges to determine probable cause before a case went to a grand jury (72%).

Use of criminal history data about the defendant

When a person is arrested or brought before a court on a criminal charge, usually a government agency keeps a permanent official record of the event. These records enable prosecutors to find out about a person's "criminal history."¹¹ That knowledge can help prosecutors make proper decisions.

¹¹Survey of Criminal History Information Systems, BJS report, NCJ-125620, March 1991.

Table 10. Initiating a felony case in court, by region, 1990

Means of Initiating cases	Percent of felony cases				
	Total	Northeast	Midwest	South	West
Total	100%	100%	100%	100%	100%
Grand jury indictment	39	57	27	50	20
Information following a preliminary hearing	28	17	36	12	54
Waiver of indictment or preliminary hearing	10	17	16	7	5
Other*	23	9	21	31	21

Note: The percentages in this table are mean percents, but the averaging process took into account how many felony cases each prosecutor completed in 1988 — the bigger the district, the more its data influenced the

overall mean percentages.

*About half of survey respondents' written explanations of "other" indicated that sometimes an information was filed before a preliminary hearing was held.

Table 11. Prosecutorial districts using grand juries, by region and county population, 1990

	Region					Counties	
	Total	Northeast	Midwest	South	West	75 largest	Elsewhere
Percent of districts with grand juries	58%	46%	42%	92%	47%	82%	57%
Districts having grand juries, percent:							
That indicted misdemeanors	55%	58%	20%	79%	58	60	55
Where prosecutor							
Appeared before grand jury	48	65	32	57	46	43	48
Signed all indictments before filing	29	43	24	37	18	60	28
Where judge determined probable cause before case submission to grand jury	44	10	22	72	20	38	44

Ninety-five percent of prosecutors found data on dispositions of an individual's prior prosecutions to be of value, and 78% reported arrest data to be of value. A variety of criminal history sources, such as the FBI and the local police, were used by over 70% of prosecutors (table 12). Such information may be used in any stage of a felony case but was reported to be used most often in the early stages (table 13).

Two-thirds of prosecutors found incompleteness of criminal history data to be a major problem, and almost half reported the associated problem of information that was not current (table 14). Restrictions on data to protect privacy were cited as a major problem by 11%.

Plea negotiation

In a vast majority (91%) of felony convictions the defendant pleads guilty rather than requests a trial.¹² The high percentage of guilty pleas is a key factor in minimizing case backlogs. Guilty pleas often result from negotiations: the defendant agrees to plead guilty to a lesser charge or to a charge for which the prosecutor recommends a reduced sentence. In 1974, 80% of the chief prosecutors maintained formal control over plea negotiations, but by 1990 the percentage had fallen to 36%.

When a felony case does not result in a dismissal or a guilty plea, but instead goes to trial, the chances are 5 in 6 that the defendant will be convicted.¹³ Because of this rate of conviction, the chief prosecutor might be expected to prefer an end to negotiations once the prosecutor who is assigned to the case is ready for trial. Yet, 73% of chief prosecutors placed no time limits on plea negotiations.

The court may also impose deadlines on negotiations when responding to requests for extensions of time or continuances. Requests for more time to negotiate a plea agreement are sometimes made on the day of trial, even when witnesses, juries, and court personnel have already assembled.

¹²*Felony Sentences in State Courts, 1988*, table 9.

¹³*Felony Defendants in Large Urban Counties, 1988*, NCJ-122385, April 1990, table 13.

In most districts (86%) judges discouraged such motions on the day of trial, although in 23% of those districts with restrictions, the condition applied only for scheduled jury trials. In 23% of the districts, the court upon

Table 12. Sources of criminal history data used by chief prosecutors, 1990

Source	Percent of chief prosecutors
Federal Bureau of Investigation	81%
Local police	76
Prosecutor's own record system	72
State criminal history repository	72

Table 13. Stages of a felony case in which criminal history data were used, 1990

Stage	Percent of chief prosecutors
Pretrial negotiations	80%
Bail hearing	76
Filing charges	63
Preliminary hearing	30

Table 14. Major problems with criminal history data, 1990

Problem	Percent of chief prosecutors
Incompleteness	68%
Lack of timeliness	47
Inaccuracy	39
Restrictions that protect individual's privacy	11

request normally postponed a trial to permit additional time for plea negotiations. Practices limiting plea negotiations differed substantially between districts in the 75 largest counties and those in smaller counties and also between one-person prosecution offices and those with a staff of assistants. The larger counties and those offices with assistants were more likely to have explicit criteria controlling plea negotiations. A higher percentage of prosecutors in larger counties than those elsewhere, 46% compared to 23%, reported that courts granted continuances on the day of trial for negotiating a plea (table 15).

Among chief prosecutors who had time limits on plea negotiation, a majority (60%) required that negotiations be completed either by a set period of time before the trial date or by the end of the "pretrial conference," usually the final court appearance before trial (table 16).

Table 16. Stage in felony prosecutions at which plea negotiations must be completed, 1990

Stage of prosecution	Percent of chief prosecutors who indicated a plea policy
Before plea is entered	2%
Before indictment	3
Within set number of days from start of proceedings	1
Before or during preliminary hearing	5
Before or during pretrial conference	29
Before fixed number of days preceding trial date	31
Before trial day or commencement of trial	21
Other*	8

Note: Percentages are based on coding of respondents' written descriptions of policies. *Examples of "other": limit set with plea offer, court sets deadline, deadlines set by deputies.

Table 15. Limits in prosecutorial districts to control plea negotiations, 1990

	Counties			Staff with assistant prosecutors	
	Total	75 largest	Elsewhere	Yes	No
Percent of prosecutorial districts with:					
Explicit criteria controlling plea negotiations	36%	72%	35%	44%	8%
Policy limiting time for plea negotiations	27%	30%	27%	29%	22%
Continuances on trial day to permit more time for plea negotiations	23%	46%	23%	23%	25%

Speedy trial requirements

The sixth amendment of the U.S. Constitution guarantees to the accused in a criminal trial, whether Federal or State, the right to a speedy trial.¹⁴ In recent years legislatures and courts have established limits on the time following an arrest that a prosecutor has to bring the case to trial — speedy trial requirements. Such requirements often apply only when a defendant is held in custody rather than being granted pretrial release.

Almost three-quarters of chief prosecutors were subject to specific limits on time between charging and start of trial. These limits, with an average of about 6 months, resulted from legislation or court order. During 1988, the median time from arrest to adjudication in felony cases in the 75 largest counties was about 3 months.¹⁵ Chief prosecutors in counties with speedy trial rules experienced an annual average of 16 dismissals for noncompliance with speedy trials. Such dismissals accounted for less than a third of 1% of all felony cases in the Nation.¹⁶ Nationally, prosecutors had an average of one felony case dismissal a year for speedy trial noncompliance.

Jury trial

The sixth amendment to the U.S. Constitution gives State and Federal felony defendants the right to trial by a jury.¹⁷ This right, used by 5% of felony defendants who were sentenced in State courts during 1988, may be waived in favor of trial by judge.¹⁸ An estimated 4% of all felony convictions are the result of a judge trial.¹⁹

In some jurisdictions the prosecutor also has the right to have a case tried by a jury. In such jurisdictions, the jury may be used even if the defendant prefers a judge trial, although how the proceedings are carried out is decided by the trial judge. The

¹⁴*Barker v. Wingo*, 407 U.S. 514 (1972). See generally *Report to the Nation on Crime and Justice*, p.85.

¹⁵*Felony Defendants in Large Urban Counties, 1988*, table 19.

¹⁶The National Pretrial Reporting Program estimated that the 75 largest counties had a total of 47,000 felony cases filed during February 1988. *Pretrial Release of Felony Defendants, 1988*, BJS Bulletin, NCJ-127202, February 1991, p. 2. Twelve times 47,000 divided by 75 times 16 yields an annualized estimate of 0.2% of cases dismissed for speedy trial noncompliance.

¹⁷*Duncan v. Louisiana*, 391 U.S. 145 (1968). For a description of the jury system, see *Report to the Nation on Crime and Justice*, p.86.

¹⁸*Felony Sentences in State Courts, 1988*, BJS Bulletin, NCJ-126923, December 1990, table 10.

¹⁹*Felony Sentences in State Courts, 1988*, table 10.

prosecutor may exercise this right to a jury trial for many reasons, including belief that —

- a jury is more likely than a particular judge to convict
- a jury is likely to impose or recommend a desired sentence
- a jury trial will attract more public attention to a defendant's heinous conduct.

About half of the chief prosecutors had the right to a jury trial available to them. Among places where it was available, it was more likely to be exercised in the larger districts than elsewhere, and more likely if the prosecutor had a staff of assistants. Both the existence of this right and its use varied considerably among regions (table 17).

Policies and practices after trial

A convicted defendant remains under the court's jurisdiction until sentencing. In about half of the districts (56%), the court retained jurisdiction over defendants even after they were committed to the department of corrections to serve a sentence of confinement. In two-thirds (67%) of the districts, the prosecutor routinely received official notification of the release of a confined person who was convicted in that district.

Information used in deciding on a sentence

Between a felony defendant's conviction and sentencing, information is often gathered to enable the judge to impose an appropriate sentence. In most districts (84%) the judge requested a presentence report containing information about the defendant and usually addressing family

and employment circumstances, any mental or physical health problems, and any history of drug or alcohol abuse. This information may have had important bearing on the choice between a sentence of confinement and a sentence of probation.

Almost all chief prosecutors (96%) in 1990 had a right to see presentence reports, compared to 87% in 1974. In most jurisdictions (84%) the judge also requested information about the victim. Where victim information was desired, it was usually (70%) requested as part of the presentence report, but in a quarter of these places (23%), the prosecutor provided it.

Prosecutors' recommended sentences

Virtually all chief prosecutors (99.5%) in the survey indicated that they were usually present or represented in court when a sentence was imposed. In 1990, as in 1974, 88% of the prosecutors recommended a sentence.

Among chief prosecutors in the Nation —

- Three-quarters (77%) were in States that required a mandatory jail or prison term for certain crimes or types of defendants; these mandatory sentencing laws influenced 82% of the affected prosecutors when they recommended a sentence.

- Three-quarters (74%) were in States where parole boards decided how much time prisoners actually serve; these parole policies or practices influenced 75% of the affected prosecutors when they recommended a sentence.

- Half (54%) were in States where guidelines required a judge to impose a particular sentence unless reasons were stated for choosing a different sentence; these guidelines influenced 68% of the affected prosecutors when they recommended a sentence.

- Half (53%) were in States where felony sentences may be reviewed by an appellate court; the possibility of such a review influenced 18% of the affected prosecutors when they recommended a sentence.

- Half (52%) were in places where the prosecutor was not permitted to negotiate a plea in exchange for a charging decision or sentence recommendation; this prohibition influenced 38% of the affected prosecutors when they recommended a sentence.

Table 17. Prosecutor's right to jury trial in felony cases, by region, 1990

	Percent of chief prosecutors	
	With right to jury trial available to prosecutor in felony cases	Who exercised available right
All	57%	45%
Northeast	34	51
Midwest	42	29
South	76	68
West	80	27
75 largest counties	56	90
Elsewhere	57	44
Sole prosecutor	53	27
Staffed	58	50

- Thirty-nine percent were in States with voluntary sentencing guidelines for judges; these voluntary guidelines influenced 52% of the affected prosecutors when they recommended a sentence.

Table 18. Prosecutors' right of appeal in felony cases, 1990

	Of chief prosecutors in with the right of appeal, percent who appeal
Appeal from	
Rulings on motions	92%
Sentences	33
Determinations of guilt or innocence	5

Table 19. Chief prosecutors' participation in felony case appeals, 1990

Type of appeals court	Percent of chief prosecutors	
	Filing briefs	Making the oral arguments
Highest State court of appeals	43%	39%
Federal court	18	17
Other State court	38	30

Table 20. Prosecutorial notification of interested parties in felony cases, 1974 and 1990

	Percent of chief prosecutors	
	1974	1990
Notify witnesses to appear in court	77%	95%
Notify of disposition:		
Police	44	93
Victim	35	93
Witnesses	37	45

Prosecutors' role in criminal appeals

A convicted defendant may appeal to a higher court, asking it to review any defect in the proceedings of the original trial. Only certain major issues, such as the sentence or what trial evidence was admitted or excluded, will serve as a basis for the appeals court accepting the appeal. Under some circumstances the prosecutor may also appeal. The special conditions for a prosecutorial appeal usually do not include the prosecutor's view of the determination of guilt in a particular case (table 18).

An appeal involves two main activities: *preparing* the written document (brief) that explains both the case and the defects complained of and *presenting* this material verbally to the appeals judges (oral argument). Nearly half of chief prosecutors were routinely involved in filing briefs in felony cases when the defendant appealed (table 19).

Prosecutors' contact with parties interested in case

Prosecutors had more extensive contact in 1990 than in 1974 with persons interested in a case, such as witnesses, victims, and police officers. Almost all prosecutors were responsible for informing interested parties when to appear in court. The percentage of chief prosecutors in 1990 who routinely notified such persons of case disposition had also increased substantially since 1974, possibly reflecting recent State laws intended to benefit victims and witnesses in felony prosecutions (table 20).²⁰

²⁰ Report to the Nation on Crime and Justice, p. 82.

Methodology

Sampling error of statistical estimates

NPSP data were obtained from a sample and not from a complete enumeration. Consequently they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number in the report. In general, if the difference between two numbers is at least twice the standard error of that difference, there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population.

All differences discussed in this report had a confidence interval at or above 95%. In BJS reports, such differences are stated to be "statistically measurable".

A sample estimate which is a number, rather than a difference between numbers, also has a standard error. An interval computed as an estimate plus or minus 2 times its standard error is an interval within which we can be 95% confident that the true number lies. (The true number is the one that would have been found in a complete enumeration.) Estimates and standard errors of a number of the major statistics used in this report are given in the appendix table.

Sampling of prosecutors

The Census Bureau mailed questionnaires to the 290 chief prosecutors in the NPSP survey. These respondents were chosen because the counties where their offices are located had participated in the nationally representative survey of 1988 felony sentencing for the National Judicial Reporting Program (NJRP). Therefore, the prosecutors with offices in those counties were a nationally representative sample of chief prosecutors nationwide.

Before drawing a sample of counties in the NJRP survey, the 3,109 counties and independent cities were grouped together into 8 strata, depending on the number of felony cases that they had in 1985, the most recent year for which court-census data are available. The sampling for the counties in NJRP was carried out within each stratum separately, to assure that counties of all sizes would be in the sample. Hence the NPSP survey covers prosecutorial districts of all sizes.

A given prosecutor's probability of being selected in the NPSP survey was the probability of that person's county being sampled for NJRP. The inverse of the probability of selection is the weight used to convert the sample data into estimates that relate to the entire population from which the sample was drawn. Those 20% of the total universe of chief prosecutors whose districts encompass more than one county had more than one chance to be in the sample, and in such a case, the probability of selection was the probability of one or more of those counties being chosen in NJRP.

The total number of felony cases in 1988 were known for any chief prosecutor in the survey whose district was comprised of a single county. But for prosecutors having more than one county, the total for the district had to be estimated, based on what was known about the NJRP county in that district. The estimation process took advantage of a high degree of statistical correlation between the total number of prosecuting attorneys and the total number of felony cases found in NJRP counties. This was applied statistically to the total number of prosecuting attorneys district-wide, obtained in the NPSP survey. Using this procedure, the national total number of cases comes within 4% of that already measured in the NJRP survey.

For the multicounty districts, districtwide population served by the chief prosecutor was also estimated. Since those counties were identified on the NPSP questionnaire, their sampling strata could be found in the NJRP sampling roster. The average (mode) population by stratum within geographic region was used in place of the missing population data, on the basis of the high degree of correlation between total cases and total population. This procedure produced figures that in the aggregate came within 2% of the actual 1988 national total population.

Questionnaires were received from 289 of 290 contacted chief prosecutors. Data for all questions from a comparable responding jurisdiction, chosen randomly, were substituted for the missing survey responses of the one nonrespondent chief prosecutor.

Appendix table. Selected estimates and standard errors, 1990 survey

	Estimate	One standard error
Total number of prosecuting attorneys	22,234	1,459
Total number of chief prosecutors	2,272	151
Total number of assistant prosecutors	19,962	1,524
Mean population served per district	110,975	10,408
Mean number of assistant prosecutors per district	9	1
Mean number of felony convictions per year per district	292	35
Ratio of cases to prosecuting attorneys, by region:		
Northeast	29	2
Midwest	23	2
South	38	3
West	29	4
Percent of chief prosecutors who are full-time	53%	4%
Percent of chief prosecutors serving one county	80%	3%
Percent of chief prosecutors with no assistant prosecutors	23%	4%
Percent of districts with grand juries	58%	5%
Percent of districts with speedy trial requirements	71%	4%
Percent of districts with career criminal units	8%	2%

This BJS Bulletin was written by John M. Dawson, BJS statistician. Tom Hester edited it and Pat Langan provided the statistical review. Stephanie Brown and Steve Owens of the Governments Division of the Bureau of the Census conducted the survey. Marilyn Marbrook, Priscilla Middleton, Jayne Pugh, and Yvonne Boston produced the report.

NCJ-134500 March 1992

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; 1-800-999-0960. The dataset is archived as the National Prosecutors Survey, 1990 (ICPSR 9579).

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: GERSON, STUART, AAG, CIV

To: AG.

ODD: NONE

Date Received: 02-28-92 Date Due: NONE

Control #: X92022803418

Subject & Date

02-28-92 NOTE ATTACHING A CIVIL DIVISION'S PRESS RELEASE
DATED FEBRUARY 24, 1992, REGARDING THE SETTLEMENT OF A
BID-RIGGING SCHEME BY 10 JAPANESE ELECTRONICS COMPANIES.

Referred To: Date:
(1) OAG; 02-28-92
(2)
(3)
(4)

Referred To: Date:
(5)
(6)
(7)
(8)

INTERIM BY:
Sig. For: NONE

DATE:
Date Released:

W/IN:
PRTY:
1
OPR:
EHZ

Remarks

INFO CC: DAG.

(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:

JCW 03-02-92

FILE: PRESS RELEASES/NON-PAO

CROSS REFERENCES:

1. CIVIL DIVISION

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

28 February 92



U.S. Department of Justice
Civil Division

Assistant Attorney General

Washington, D.C. 20530

February 28, 1992

TO : The Attorney General

FROM: Stuart Gerson

I don't know if you see these releases
in the normal course of things, and so I thought
I would pass this along.

Attachment

RECEIVED
DEPARTMENT OF JUSTICE
92 FEB 28 P 3:34
EXECUTIVE SECRETARIAT



Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, FEBRUARY 24, 1992

CIV
202-514-2007
(TDD) 202-514-1888

**TEN JAPANESE ELECTRONICS COMPANIES WILL PAY
U.S. \$2.7 MILLION TO SETTLE BID-RIGGING SCHEME**

WASHINGTON, D.C. -- The Department of Justice announced today that 10 Japanese electronics companies will pay the United States \$2.7 million to settle claims they rigged bids on contracts at U.S. military installations in Japan from 1981 through 1988. Today's settlement is in addition to the \$34 million NEC Information Technologies Ltd. (NECIT) paid the federal government in May 1991.

Assistant Attorney General Stuart M. Gerson, head of the Civil Division, said: "The result in this case should send a strong signal to Japanese contractors as well as to companies of other nations engaged in projects funded by the United States that bid-rigging and price fixing will not be tolerated. This case reflects the Department's on-going commitment to the recovery of funds defrauded from the U.S. treasury, wherever that fraud occurs."

Gerson said the contracts, which totalled more than \$103 million, were entered into by the U.S. Air Force Pacific Contracting Center at the Yokota Air Base near Tokyo for the operation and maintenance of U.S. military telecommunications

(MORE)

Kyowa Densetsu Kaisha currently is contesting a penalty order issued by the Japan Fair Trade Commission for violations of the Japanese Anti-Monopoly Act arising from its participation in the bid-rigging conspiracy.

Gerson said, "The Civil Division will continue to pursue aggressively other cases on behalf of the American taxpayer to recover overcharges resulting from anticompetitive behavior. This case sets an important precedent for future cases against foreign companies engaged in bidrigging and similar practices that defraud the U.S. government."

####

92-063

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS
To: AG. (THRU OJP/GURULE) ODD: NONE
Date Received: 01-28-92 Date Due: NONE Control #: X92012901399
Subject & Date
01-28-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)
NEWS RELEASE REGARDING SHERIFFS' AND POLICE DEPARTMENTS.
THE RELEASE IS SCHEDULED FOR FEBRUARY 2, 1992, REPORTING
THAT THE NUMBER OF FULL-TIME STATE AND LOCAL LAW
ENFORCEMENT OFFICERS GREW BY 28,500 (5.4%)--FROM 528,300 TO
556,800-- IN THE YEARS 1987 THROUGH 1990. ADVISES THAT A
COPY OF THE RELEASE HAS BEEN TRANSMITTED TO PAO FOR REVIEW.

	Referred To:	Date:		Referred To:	Date:	
(1)	OAG;	01-29-92	(5)			W/IN:
(2)			(6)			
(3)			(7)			PRTY:
(4)			(8)			1
	INTERIM BY:			DATE:		OPR:
	Sig. For:	NONE		Date Released:		MAU

Remarks
CC INDICATED FOR OLS.
INFO CC: DAG.
(1) FOR INFORMATION.

Other Remarks:

OLA CONTACT:
KMM 01-29-92
FILE: PRESS RELEASES/NON-PAO
CROSS REFERENCES:
1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

JAN 28 1992

EXECUTIVE SECRETARIAT

92 JAN 28 P4:34

RECEIVED
DEPARTMENT OF JUSTICE

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Sheriffs' and Police Departments

Attached for your information is a Bureau of Justice Statistics (BJS) news release scheduled for February 2, reporting that the number of full-time state and local law enforcement officers grew by 28,500 (5.4 percent)--from 528,300 to 556,800--in the years 1987 through 1990. While the number of local police officers increased 2 percent and State police increased 4 percent, most of the increase in the number of officers occurred in sheriffs' departments, which grew by 15 percent during the three-year period to reach 141,400 officers in 1990. In 1990 local police departments employed 363,000 officers and state police departments had 52,400 officers. During the same time the number of officers increased by 5.4 percent, the number of arrests for all types of crime increased by 12 percent, and the number of drug arrests grew by 16 percent.

Much of the growth in the number of local law enforcement officers was among racial or ethnic minority group members and women. Local police and sheriffs' departments employed about 16,500 more members of racial or ethnic minority groups and approximately 9,000 more women in 1990 than they did in 1987.

In 1987 about 7.6 percent of local police department officers were female, as were 12.6 percent of sheriffs' department officers. By 1990 this had increased to 8.1 percent in local police departments and 15.4 percent in sheriffs' departments.

In 1987 blacks accounted for 9.3 percent of local police department employees, compared to 10.5 percent in 1990. In sheriffs' departments the employment of blacks increased from 8.3 percent to 9.8 percent during the same time period.

In 1987 Hispanics accounted for 4.5 percent of local police department officers, compared to 5.2 percent in 1990. In sheriffs' departments the employment of Hispanics increased from 4.3 percent to 4.7 percent during the same time period.

As of June 1990 there were 12,288 local police departments, 49 state police departments (all states except for Hawaii), and 3,093 sheriffs' departments. Other major survey findings include the following:

--There was a large increase in the number of agencies that used the 911 emergency telephone number during the three-year period. In 1987 about 32 percent of police departments and 28 percent of sheriffs' departments participated. By 1990 this had grown to 48 percent for police agencies and 42 percent of sheriffs' departments.

--Among full-time officers in local police departments, 83.1 percent were white and not of Hispanic origin, 10.5 percent were black and not of Hispanic origin, and 5.2 percent were Hispanic. The remaining 1.3 percent were members of other minority groups (American Indians, Asian, or Pacific Islanders). About 8.1 percent were women. Among officers in state police departments, 87.1 percent were white, 7.5 percent were black, 4.4 percent were Hispanic, and 1 percent were members of other minority groups. Approximately 4.6 percent were women. In sheriffs' departments, 84.5 percent of the officers were white, 9.8 percent black, 4.7 percent were Hispanic, and 1 percent were from other minority groups. About 15.4 percent were women.

--While nearly all law enforcement agencies required a high school diploma for new officers, about 6 percent of the local police departments required up to two years of college, including about 20 percent of the departments that served populations of 250,000 or more inhabitants. About 18 percent of the state police and 4 percent of the sheriffs' departments required some college.

--About 24 percent of the local police departments required all regular field and patrol officers to wear body armor while on duty, as did 21 percent of the sheriffs' departments and 12 percent of the state police departments.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services for his information.

Attachment

cc: William Lucas, Director
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY, FEBRUARY 2, 1992

BJS
202-307-0784

Number of Law Enforcement Officers Grew
By 5.4 Percent From 1987 Through 1990

WASHINGTON, D.C. -- The number of full-time state and local law enforcement officers grew by 28,500 (5.4 percent)--from 528,300 to 556,800--in the years 1987 through 1990, the Bureau of Justice Statistics (BJS) announced today. The Bureau is a component of the U.S. Department of Justice's Office of Justice Programs.

"While the number of local police officers increased 2 percent and State police increased 4 percent, most of the increase in the number of officers occurred in sheriffs' departments, which grew by 15 percent during the three-year period to reach 141,400 officers in 1990," said Bureau Director Steven D. Dillingham. "In 1990 local police departments employed 363,000 officers and state police departments had 52,400 officers."

"During the same time the number of officers increased by 5.4 percent, the number of arrests for all types of crime increased by 12 percent, and the number of drug arrests grew by 16 percent," Dillingham noted.

-MORE-

The Bureau, reporting on the second national survey of state and local police agencies and sheriff's departments, said that much of the growth in the number of local law enforcement officers was among racial or ethnic minority group members and women. Local police and sheriffs' departments employed about 16,500 more members of racial or ethnic minority groups and approximately 9,000 more women in 1990 than they did in 1987.

In 1987 about 7.6 percent of local police department officers were female, as were 12.6 percent of sheriffs' department officers. By 1990 this had increased to 8.1 percent in local police departments and 15.4 percent in sheriffs' departments.

In 1987 blacks accounted for 9.3 percent of local police department employees, compared to 10.5 percent in 1990. In sheriffs' departments the employment of blacks increased from 8.3 percent to 9.8 percent during the same time period.

In 1987 Hispanics accounted for 4.5 percent of local police department officers, compared to 5.2 percent in 1990. In sheriffs' departments the employment of Hispanics increased from 4.3 percent to 4.7 percent during the same time period.

As of June 1990 there were 12,288 local police departments, 49 state police departments (all states except for Hawaii), and

3,093 sheriffs' departments. More than 99 percent of the local police departments were operated by municipalities, and counties operated the remainder. County governments operated more than 99 percent of the sheriffs' departments, and independent cities operated the others.

Police departments were primarily responsible for functions directly related to law enforcement--patrols, responses to incidents and crime investigations. Whereas most sheriffs' departments also performed law enforcement related duties, they were much more likely than were police departments to be responsible for jail operations, serving civil processes and court security.

The largest local police department was New York City's, which had 33,363 full-time employees, including 25,655 officers. The largest state police department was the California Highway Patrol, which had 8,506 full-time employees, including 5,958 officers.

The findings were derived from the Bureau's Law Enforcement Management and Administrative Statistics (LEMAS) survey of a nationally representative sample of law enforcement agencies throughout the country. Other major findings include the following:

--Operating expenditures for all law enforcement agencies

increased 27 percent during the 1987-1990 period. At the same time, the average entry-level salary grew 12 percent.

--There was a large increase in the number of agencies that used the 911 emergency telephone number during the three-year period. In 1987 about 32 percent of police departments and 28 percent of sheriffs' departments participated. By 1990 this had grown to 48 percent for police agencies and 42 percent of sheriffs' departments.

--Most local police and sheriffs' departments were small. Half of the local police departments employed fewer than 10 officers. One-third of the sheriffs' departments had fewer than 10 officers, and two-thirds of them had fewer than 25.

--Although most local police departments were in small towns, most police officers were not. In 1990 one-half of all local police officers worked in jurisdictions with populations of 100,000 inhabitants or more, and 20 percent of all local police officers worked in departments that served 1 million or more residents.

--Among full-time officers in local police departments, 83.1 percent were white and not of Hispanic origin, 10.5 percent were black and not of Hispanic origin, and 5.2 percent were Hispanic. The remaining 1.3 percent were members of other minority groups (American Indians, Asians, or Pacific Islanders). About

8.1 percent were women. Among officers in state police departments, 87.1 percent were white, 7.5 percent were black, 4.4 percent were Hispanic, and 1 percent were members of other minority groups. Approximately 4.6 percent were women. In sheriffs' departments, 84.5 percent of the officers were white, 9.8 percent black, 4.7 percent were Hispanic, and 1 percent were from other minority groups. About 15.4 percent were women.

--While nearly all law enforcement agencies required a high school diploma for new officers, about 6 percent of the local police departments required up to two years of college, including about 20 percent of the departments that served populations of 250,000 or more inhabitants. About 18 percent of the state police and 4 percent of the sheriffs' departments required some college level courses.

--About 24 percent of the local police departments required all regular field and patrol officers to wear body armor while on duty, as did 12 percent of the state police departments and 21 percent of the sheriffs' departments.

--About 73 percent of all local police departments, which employed 91 percent of all local police officers, authorized the use of one or more types of semiautomatic weapons, as did 80 percent of the state police departments and 74 percent of the sheriffs' departments.

--About 70 percent of all local police departments with 100 or more officers authorized collective bargaining in 1990, as did 49 percent of the state police departments and 43 percent of the sheriffs' departments.

Single copies of the two BJS bulletins, "State and Local Police Departments, 1990" (NCJ-133284) and "Sheriffs' Departments, 1990" (NCJ-133283), as well as other information about the Bureau's publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

#



Bureau of Justice Statistics Bulletin

A LEMAS Report

Sheriffs' Departments 1990

By Brian A. Reaves, Ph.D.
BJS Statistician

During 1990 nearly 17,000 publicly funded State and local law enforcement agencies were operating in the United States. Included in this total were approximately 3,100 sheriffs' departments.

In July 1990 the Law Enforcement Management and Administrative Statistics (LEMAS) program of the Bureau of Justice Statistics (BJS) surveyed a nationally representative sample of law enforcement agencies. This report presents data from sheriffs' departments on expenditures, functions, personnel, salaries, training and educational requirements, equipment, computerization, programs, and policies.

Major findings include the following:

- Almost all sheriffs' departments reported performing at least some work related to the courts (98%) and to law enforcement (97%). About 87% of the departments performed some jail-related work.

- About 84% of the departments estimated they spent a third or more of their personnel hours on law enforcement activities. About 40% of the departments spent at least a third of their time on jail-related responsibilities, and 9% spent this much time performing court-related duties.

- During fiscal year 1990, sheriffs' departments had operating expenditures of \$9.1 billion and employed 204,000 persons full time. About 69% of these employees were sworn officers, and 31% were civilian employees.

January 1992

The Law Enforcement Management and Administrative Statistics (LEMAS) program, begun in 1987, provides a detailed portrait of the Nation's law enforcement agencies — their sworn and civilian personnel, hiring requirements, training, functions, expenditures, and equipment such as sidearms, body armor, and computers.

The findings reported in this Bulletin come from sheriffs' departments that comprise almost 30% of the agencies participating in LEMAS. A companion Bulletin on police departments reports on the same issues. We are confident that this information, which is collected only through exemplary cooperation by law enforcement agencies, is of great value to policymakers and criminal justice administrators.

Steven D. Dillingham, Ph.D.
Director

- Most sheriffs' departments were small: nearly two-thirds of them employed fewer than 25 sworn officers, and a third employed fewer than 10. About half of the departments served a population of less than 25,000.

- Sheriffs' departments serving a population of 1 million or more employed a fifth of all officers, and departments serving 250,000 or more residents employed about half of all officers.

- Among sworn personnel in sheriffs' departments — 84.5% were white (non-Hispanic), 9.8% black (non-Hispanic), 4.7% Hispanic, and 1% were members of other minority groups. About 15.4% were women.

- Approximately 93% of sheriffs' departments required new officer recruits to have at least a high school diploma, and the minimum requirement in another 4% of the departments included some college education, usually a 2-year degree.

- About 9 in 10 sheriffs' departments had formal classroom and field training requirements for new officer recruits. The average number of required training hours ranged from 400 hours in departments serving under 25,000 residents to over 800 hours in departments serving a population of 500,000 or more.

- The average starting salary for new officer recruits in sheriffs' departments ranged from about \$26,000 in the largest jurisdictions to about \$16,000 in the smallest, with an overall departmental average of \$17,400.

- Approximately 74% of sheriffs' departments authorized the use of semiautomatic sidearms by their officers. The 9mm was the semiautomatic weapon most frequently authorized for use.

- About 21% of sheriffs' departments required all regular field officers to wear body armor while on duty. Another 6% of the departments applied this requirement to some, but not all officers.

Table 1. State and local law enforcement agencies in the United States, 1990

Type of agency Number	Number of agencies*	Number of employees						Operating expenditures, fiscal year 1990
		Full-time			Part-time			
		Total	Sworn	Civilian	Total	Sworn	Civilian	
Total	16,961	793,020	595,869	197,151	76,044	35,384	40,660	\$41,550,270,000
Local police	12,288	459,891	363,001	96,890	53,705	24,533	29,172	\$20,585,981,000
Sheriff	3,093	203,974	141,418	62,556	16,406	9,192	7,214	9,137,209,000
Special police	1,531	51,825	39,078	12,747	5,129	1,549	3,580	8,137,543,000
State police	49	77,330	52,372	24,958	804	110	694	3,689,537,000
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Local police	72.4%	58.0%	60.9%	49.1%	70.6%	69.3%	71.7%	49.5%
Sheriff	18.2	25.7	23.7	31.7	21.6	26.0	17.7	22.0
Special police	9.0	6.5	6.6	6.5	6.7	4.4	8.8	19.6
State police	.3	9.8	8.8	12.7	1.1	.3	1.7	8.9

Note: Local police and State police categories include only general purpose agencies. Special police category includes both State-and local-level agencies. Detail may not add to total because of rounding.

*Except for the State police category, the number of agencies reported here is an estimate resulting from a weighted sample and is not an exact enumeration.

The LEMAS survey

The 1990 Law Enforcement Management and Administrative Statistics (LEMAS) survey was mailed to all 780 State and local law enforcement agencies with 100 or more sworn officers. A sample of 2,338 agencies with fewer than 100 officers also received the questionnaire. Of the 3,118 recipients of the LEMAS questionnaire, 2,945 (94.5%) responded.

The survey used a sampling frame based on personnel data from the 1986 Directory Survey of Law Enforcement Agencies. (Please see *Methodology* for further discussion of sampling.) This was the second LEMAS survey. A similar survey was conducted in 1987 (*Profile of State and Local Law Enforcement Agencies, 1987*, BJS Bulletin, NCJ-113949).

This report and a companion Bulletin, *State and Local Police Departments, 1990*, (NCJ-133284) present the results of the 1990 LEMAS data collection. This report focuses entirely on sheriffs' departments.

Sheriffs' departments

During 1990, an estimated 16,961 State and local law enforcement agencies were operating in the United States (table 1). The estimated 3,093 sheriffs' departments accounted for about 18% of the total. County governments operated the almost all majority of the sheriffs' departments (over 99%), and independent cities, less than 1%.

The collective operating expenditure of sheriffs' departments during fiscal year 1990 was approximately \$9 billion, 22% of the total operating expenditure for all State and local law enforcement agencies. This was 47% more than in 1987, and represented a nationwide expenditure for sheriffs' departments of about \$63,000 per sworn officer. Capital expenditures such as equipment purchases and construction costs are not included in these figures.

On June 30, 1990, the Nation's sheriffs' departments employed an estimated 204,000 persons on a full-time basis and another 16,000 on a part-time basis. An estimated 141,000 (69%) of the full-time employees were sworn officers, representing about a fourth of all full-time State and local sworn law enforcement personnel. Approximately 63,000 full-time civilian employees were working for sheriffs' departments; they comprised about a third of the civilian law enforcement workforce nationwide. The largest sheriff's department in the United States was the Los Angeles County Sheriff's Department, with 10,808 full-time employees, including 7,640 sworn officers.

Overall, there were 12 sheriffs' departments (less than 1% of all departments) that employed 1,000 or more sworn officers (table 2). About a third of sheriffs' departments employed 25 or more officers. Another third employed between 10 and 24 officers, and the remaining third, fewer than 10 officers. In contrast to the nearly 1,000 single-officer local police departments, only an estimated 17 sheriffs' departments employed just one officer in 1990.

Table 2. Sheriffs' departments, by number of sworn personnel, 1990

Number of sworn personnel	Departments	
	Number*	Percent
Total	3,093	100%
1,000 or more	12	.4%
500-999	21	.7
250-499	64	2.1
100-249	191	6.2
50-99	295	9.5
25-49	522	16.9
10-24	953	30.8
5-9	684	22.1
2-4	335	10.8
1	17	.5

Note: Table includes both full-time and part-time employees. Detail may not add to total because of rounding.

*See table 1 note on estimated number of agencies.

Although 1% of sheriffs' departments were located in jurisdictions with a population of 1 million or more, about 20% of all sworn officers were working for departments in jurisdictions that large (table 3). Half of all officers were working for the 6% of sheriffs' departments in jurisdictions with a population of 250,000 or more. Only 3% of all full time officers were working for departments serving a population under 10,000, although 23% of all departments were in this population category.

On average, sheriffs' departments serving a population of 1 million or more employed just over 1,000 full-time sworn officers and about 600 full-time civilian employees (table 4). The average number of full-time employees for all sheriffs' departments was 66, including 46 sworn and 20 civilian. The workforce size of departments in the 50,000-99,999 population range most closely resembled the overall averages.

In large sheriffs' departments (100 or more sworn officers), about half of the full-time officers were providing direct services related to patrol, response to incidents, investigation, special operations, and other aspects of field operations (table 5). A third of full-time sworn employees were working in positions related to jail operation, and about 1 in 10 were working in court-related positions including bailiffs, security guards, and process servers.

Relatively small percentages of full-time sworn employees worked in administration or technical support. About 5% of them held administrative positions, including jobs related to finance, personnel, and internal affairs. Another 4% of sworn personnel were providing technical support services related to communications and dispatch, fleet management, training, and other areas requiring technical expertise.

Approximately 50% of civilian employees worked in jail-related positions, and another 30%, in technical support positions.

The average annual operating expenditure of sheriffs' departments for fiscal year 1990 was about \$3 million, ranging from about \$92 million in departments serving a population of 1 million or more to about \$300,000 in those serving under 10,000 residents (table 6). Overall, employee salaries and benefits accounted for \$3 of every \$4 in operating expenditures. The overall departmental average expenditure per resident was \$40. Departments serving a population of under 10,000 cost the most to operate, \$56 per resident. Departments serving a population of 1 million or more and those serving a population of 100,000 to 249,999 had the highest average expenditure per employee, \$55,400 and \$52,400, respectively.

Table 3. Sheriffs' departments and full-time sworn officers, by size of population served, 1990

Population served	Departments		Full-time sworn officers	
	Number*	Percent	Number	Percent
All sizes	3,093	100%	141,418	100%
1,000,000 or more	27	.9%	28,112	19.9%
500,000-999,999	62	2.0	22,231	15.7
250,000-499,999	92	3.0	18,367	13.0
100,000-249,999	270	8.7	25,055	17.7
50,000-99,999	374	12.1	17,998	12.7
25,000-49,999	594	19.2	13,391	9.5
10,000-24,999	955	30.9	11,972	8.5
Under 10,000	719	23.2	4,292	3.0

*See note on Table 1.

Table 4. Average number of employees in sheriffs' departments, by size of population served, 1990

Population served	Average number of employees					
	Full-time			Part-time		
	Total	Sworn	Civilian	Total	Sworn	Civilian
All sizes	66	46	20	5	3	2
1,000,000 or more	1,638	1,052	586	45	31	14
500,000-999,999	534	356	178	22	4	18
250,000-499,999	287	199	87	19	8	11
100,000-249,999	129	93	36	9	6	3
50,000-99,999	64	48	16	8	5	3
25,000-49,999	32	23	10	5	3	2
10,000-24,999	17	13	5	3	2	1
Under 10,000	9	6	3	2	1	1

Note: Detail may not add to total because of rounding.

Table 5. Job classification of full-time personnel in large sheriffs' departments, 1990

Job classification	Percent of full-time employees		
	Total	Sworn	Civilian
Total	100%	100%	100%
Jail operations	39.0%	33.6%	50.1%
Field operations	34.7	47.8	7.4
Technical support	12.5	4.2	29.8
Court operations	7.3	9.4	2.9
Administration	5.6	4.7	7.5
Other	1.0	.4	2.3

Note: Detail may not add to total because of rounding. Table excludes departments with fewer than 100 sworn personnel.

Table 6. Average operating expenditures of sheriffs' departments, by size of population served, 1990

Population served	Total operating expenditures, fiscal year 1990			
	Per department	Per sworn officer	Per employee	Per resident
All sizes	\$2,954,000	\$62,600	\$43,100	\$40
1,000,000 or more	\$92,020,000	\$86,200	\$55,400	\$38
500,000-999,999	23,640,000	66,100	43,400	34
250,000-499,999	12,023,000	59,200	40,600	34
100,000-249,999	6,997,000	73,000	52,400	48
50,000-99,999	2,247,000	44,300	33,200	34
25,000-49,999	954,000	39,800	27,800	28
10,000-24,999	603,000	45,300	32,100	38
Under 10,000	309,000	48,200	32,700	56

Note: Figures are for the fiscal year ending June 30, 1990 or the most recent fiscal year completed prior to that date. Figures do not include capital expenditures such as equipment purchases or construction costs. Computation of per officer and per employee averages includes both full-time and part-time employees, with weight of 0.5 assigned to part-time employees.

Estimated workload level for law enforcement, jail-related, and court-related functions in sheriff's departments, 1990

About 84% of sheriffs' departments reported that at least a third of their total personnel hours were spent on activities related to law enforcement. Approximately 27% of the departments estimated that employees spent more than two-

thirds of their total work time on activities related to law enforcement. Departments serving a population under 10,000 (43%) were the most likely to devote that much time to law enforcement. Only three departments serving a population

of 500,000 or more spent more than two-thirds of their personnel time on law enforcement.

Unlike many local police departments that perform law enforcement duties almost exclusively, sheriffs' departments are much more likely to have additional jail and court-related responsibilities.

In 1990 the percentage of sheriffs' departments with primary responsibility for operating a jail (81%) was 16 times higher than the percentage of local police departments (5%). Sheriffs' departments were 9 times more likely than local police departments to be responsible for serving civil process (91% versus 10%), and about 5 times more likely to be providing court security (85% versus 18%).

Consequently, nearly all (98%) sheriffs' departments reported spending at least some work hours on court-related activities during 1990, and 87% reported at least some jail-related work.

Jail-related responsibilities consumed at least a third of the work hours in 40% of sheriffs' departments. Although only 2% of all departments spent more than two-thirds of their personnel time on jail operation, 24% of the departments serving 1 million or more residents did so.

Court-related responsibilities did not require as much personnel time as law enforcement or jail-related duties. Although nearly all sheriffs' departments performed some court-related work, only 9% spent a third or more of their work-hours on court-related activities.

Despite their jail and court-related responsibilities, only 3% of all sheriffs' departments reported they performed no law enforcement-related work in 1990. Departments in jurisdictions of 1 million or more residents (19%) and departments serving a population of 500,000 to 999,999 (14%) were most likely to perform no law enforcement functions.

Proportion of total personnel workhours spent on law enforcement functions					
Population served	Total	None	Less than 1/3	1/3 to 2/3	More than 2/3
All sizes	100%	3%	13%	57%	27%
1,000,000 or more	100%	19%	41%	40%	0%
500,000-999,999	100	14	52	29	5
250,000-499,999	100	5	40	43	12
100,000-249,999	100	9	26	54	11
50,000-99,999	100	5	15	68	13
25,000-49,999	100	2	14	64	20
10,000-24,999	100	1	6	60	33
Under 10,000	100	2	8	48	43

Proportion of total personnel workhours spent on jail-related functions					
Population served	Total	None	Less than 1/3	1/3 to 2/3	More than 2/3
All sizes	100%	13%	46%	38%	2%
1,000,000 or more	100%	19%	11%	46%	24%
500,000-999,999	100	14	22	49	14
250,000-499,999	100	32	15	46	7
100,000-249,999	100	21	23	50	6
50,000-99,999	100	5	42	52	1
25,000-49,999	100	7	48	43	2
10,000-24,999	100	10	57	32	0
Under 10,000	100	22	49	29	1

Proportion of total personnel workhours spent on court-related functions					
Population served	Total	None	Less than 1/3	1/3 to 2/3	More than 2/3
All sizes	100%	2%	89%	6%	3%
1,000,000 or more	100%	7%	85%	7%	0%
500,000-999,999	100	2	78	2	18
250,000-499,999	100	1	80	2	16
100,000-249,999	100	0	84	10	6
50,000-99,999	100	0	92	4	4
25,000-49,999	100	3	87	9	2
10,000-24,999	100	3	91	6	—
Under 10,000	100	2	92	4	2

Note: Figures are based on estimates provided by departments. Some departments may have performed functions not related to any of these three categories. Detail may not add to total because of rounding.
—Less than 0.5%.

Table 7. Functions for which at least half of sheriffs' departments had primary responsibility, by size of population served, 1990

Population served	Percent of departments with primary responsibility for:												
	Civil process serving	Violent crime* investigation	Death investigation	Court security	Property crime investigation	Patrol and first response	Jail operation	Narcotics and vice enforcement	Telephone/radio communication and dispatch	Traffic enforcement	Accident investigation	Search and rescue	Fingerprint processing
All sizes	91%	89%	87%	85%	85%	82%	81%	81%	72%	67%	65%	57%	52%
1,000,000 or more	85%	70%	70%	73%	66%	77%	77%	73%	73%	62%	62%	60%	70%
500,000-999,999	88	57	56	86	57	56	75	56	61	51	51	35	52
250,000-499,999	98	62	60	88	60	59	68	59	55	59	38	48	58
100,000-249,999	96	74	72	90	71	72	76	67	64	57	48	50	51
50,000-99,999	98	87	87	89	86	85	93	80	77	61	58	56	57
25,000-49,999	91	93	91	89	85	84	91	85	72	64	64	57	51
10,000-24,999	88	95	91	83	88	86	86	85	75	70	68	60	55
Under 10,000	90	92	90	81	91	85	64	81	73	74	77	60	46

*Rape, robbery, and serious assault.

Operations

About 7 in 8 sheriffs' departments had primary responsibility for crime and death investigations (table 7). A similar proportion of departments also provided civil process serving and court security. About 4 in 5 departments performed the functions of patrol and first response to incidents, enforced narcotics and vice laws, and

operated a jail. At least half of the departments also had primary responsibility for communications and dispatch (72%), traffic enforcement (67%), accident investigation (65%), search and rescue operations (57%) and fingerprint processing (52%).

Relatively few departments had primary responsibility for civil defense (20%), animal control (20%), emergency medical services

(10%), training academy operation (7%), fire services (7%), laboratory testing of substances (5%), or ballistics testing (3%) (table 8). Sheriffs' departments in jurisdictions under 10,000 in population were most likely to perform civil defense functions, and those in jurisdictions with fewer than 50,000 residents were most likely to provide animal control services. Departments in the largest jurisdictions (over 1 million) were the most likely to operate a training academy, conduct laboratory tests of substances, or perform ballistics tests.

Table 8. Functions for which less than half of sheriffs' departments had primary responsibility, by size of population served, 1990

Population served	Percent of departments with primary responsibility for:						
	Civil defense	Animal control	Emergency medical services	Training academy operation	Fire services	Laboratory testing of substances	Ballistics testing
All sizes	20%	20%	10%	7%	7%	5%	3%
1,000,000 or more	11%	10%	19%	62%	7%	32%	29%
500,000-999,999	7	2	7	33	0	12	12
250,000-499,999	15	10	9	25	1	20	9
100,000-249,999	14	10	9	17	3	13	8
50,000-99,999	19	13	6	16	5	4	2
25,000-49,999	14	24	8	1	4	6	1
10,000-24,999	20	21	11	4	9	2	3
Under 10,000	30	25	13	2	11	1	1

About 42% of all sheriffs' departments participated in a 911 emergency telephone system during 1990 (table 9). This percentage represented a substantial increase from 1987, when 28% of the departments participated. Significant increases in participation from 1987 to 1990 occurred in all population categories.

In 1990 over half the departments serving 100,000 or more residents, almost half the departments serving a population from 25,000 to 99,999, and about a third of the departments serving a population of less than 25,000 participated in a 911 system. (A department's lack of participation did not necessarily mean that citizens in its jurisdiction had no 911 service, because another agency could have provided it.) As in 1987, about a fourth of participating sheriffs' departments had a system with enhanced capabilities, allowing electronic identification of the source of a call.

Table 9. Sheriffs' departments participation in 911 emergency telephone system, by size of population served, 1990 versus 1987

Population served	Percent of departments participating in 911 system					
	1990			1987		
	Total	Regular	Enhanced/expanded	Total	Regular	Enhanced/expanded
All sizes	42%	31%	11%	28%	20%	8%
1,000,000 or more	73%	26%	47%	53%	20%	33%
500,000-999,999	54	12	42	48	22	26
250,000-499,999	60	23	36	43	19	24
100,000-249,999	62	30	31	43	31	12
50,000-99,999	48	32	17	42	31	10
25,000-49,999	46	38	8	28	20	8
10,000-24,999	35	28	7	25	18	7
Under 10,000	32	30	2	16	14	2

Note: Participation is defined as the capability to dispatch a unit as the result of a call to 911. Detail may not add to total because of rounding.

Nine percent of sheriffs' departments were operating one or more lockup facilities separate from a jail in 1990 (table 10). Departments serving a population of 250,000 or more were the most likely to be operating a lockup facility. Departments in jurisdictions of 1 million residents or more had the largest average lockup capacity, about 68 persons; departments serving a population of under 25,000 had the smallest average capacity, about 6.

Sworn officers

In 1990, 72.6% of full-time sworn personnel in sheriffs' departments were white (non-Hispanic) men (table 11). Officers in larger jurisdictions were less likely to be white men than those in small ones: About two-thirds of officers in departments serving a population of 500,000 or more were white men, compared to about three-fourths of the officers in smaller jurisdictions. Overall, 84.6% of sworn officers were men, and 84.5% were white. An estimated 1 in 10 officers were black, the largest representation of any minority group and about twice the proportion of Hispanic officers.

The percentages of women and minorities among sheriffs' department officers increased from 1987 to 1990. Over the 3 years, the proportion of women went from 12.6% to 15.4%, blacks from 8.3% to 9.8%, and Hispanics from 4.3% to 4.7%. Overall, minority representation increased from 13.4% to 15.5%.

Table 10. Operation of lockup facilities by sheriffs' departments, by size of population served, 1990

Population served	Percent operating lockup(s)	Average total capacity
All sizes	9%	17
1,000,000 or more	26%	68
500,000-999,999	34	36
250,000-499,999	31	28
100,000-249,999	16	21
50,000-99,999	8	33
25,000-49,999	5	10
10,000-24,999	5	5
Under 10,000	12	7

Note: Only temporary holding or lockup facilities separate from a jail are included. Computation of average total capacity excludes departments not operating a lockup.

Sheriffs' departments were estimated to have employed nearly 19,000 more full-time sworn officers in 1990 than in 1987. Significant increases in the number of women and minorities accompanied this overall increase. An estimated 21,778 women were full-time officers in sheriffs' departments in 1990, about 6,000 more than in 1987. Black officers numbered nearly 14,000 in 1990, compared to just over 10,000 in 1987. The number of sworn employees who were members of any racial or ethnic minority was about 22,000 in 1990, compared to 16,400 in 1987.

	Full-time sworn officers in sheriffs' departments			
	1990		1987	
	Percent	Number	Percent	Number
Total	100.0%	141,418	100.0%	122,544
Male	84.6%	119,640	87.4%	107,103
Female	15.4	21,778	12.6	15,441
White	84.5%	119,498	86.6%	106,124
Black	9.8	13,859	8.3	10,171
Hispanic	4.7	6,647	4.3	5,269
Other	1.0	1,414	.8	980

Nearly all (97%) sheriffs' departments had a formal education requirement for new officer recruits (table 12). The minimum requirement in 93% of the departments was a high school diploma. About 4% of sheriffs' departments required education beyond high school, either specified non-degree college courses (1%) or a 2-year college degree (3%). Less than 0.5% of all departments required new officer recruits to have a 4-year college degree.

Newly hired officers were required to complete formal training in 89% of sheriffs' departments (table 13). All departments in the 250,000-499,999 population category had a training requirement. Departments serving a population of 500,000 or more had the highest average of classroom hours required — about 500. The averages for departments in other population categories were close to the overall average of 354 hours.

Table 11. Characteristics of full-time sworn personnel in sheriffs' departments, by size of population served, 1990

Population served	Percent of full-time sworn employees who are:								
	Total	White		Black		Hispanic		Other	
		Male	Female	Male	Female	Male	Female	Male	Female
All sizes	100%	72.6%	11.9%	7.2%	2.6%	3.9%	.8%	.9%	.1%
1,000,000 or more	100%	64.0%	14.2%	6.8%	2.9%	8.2%	1.9%	1.9%	.2%
500,000-999,999	100	68.9	9.7	11.8	4.0	4.1	.5	.9	.1
250,000-499,999	100	74.7	10.6	6.1	2.0	5.0	1.0	.6	.1
100,000-249,999	100	72.7	12.4	8.1	3.1	2.3	.5	.8	—
50,000-99,999	100	78.8	12.1	5.6	2.2	.8	.2	.3	.1
25,000-49,999	100	77.7	11.4	5.4	1.5	2.0	1.0	.8	.2
10,000-24,999	100	79.5	11.5	4.6	1.0	2.3	.2	.8	.1
Under 10,000	100	76.4	14.0	4.7	.9	2.9	.4	.5	.2

Note: "Black" and "white" categories do not include Hispanics. "Other" category includes American Indians, Alaskan Natives, Asians, and Pacific Islanders. Detail may not add to total because of rounding.
--Less than 0.05%.

Table 12. Minimum educational requirement for new officer recruits in sheriffs' departments, by size of population served, 1990

Population served	Total	Percent without requirement	Percent of departments requiring minimum of:				
			All with requirement	High school diploma	Some college*	2-year college degree	4-year college degree
All sizes	100%	3%	97%	93%	1%	3%	--
1,000,000 or more	100%	0%	100%	100%	0%	0%	0%
500,000-999,999	100	0	100	95	2	2	2
250,000-499,999	100	0	100	93	2	5	0
100,000-249,999	100	2	98	87	4	8	0
50,000-99,999	100	3	97	93	1	4	0
25,000-49,999	100	2	96	95	0	3	0
10,000-24,999	100	4	95	90	--	5	--
Under 10,000	100	2	98	96	1	1	0

Note: Detail may not add to total because of rounding.
--Less than 0.5%.
*Nondegree requirement.

The overall average number of field training hours required was 117. The average requirements for field training ranged from 42 hours for departments in the smallest jurisdictions to about 10 times that number in departments serving a population of 1 million or more.

The average starting salary for an entry-level deputy in sheriffs' departments was \$17,420, an increase of 12% from 1987 (table 14). Average starting salaries varied with population size, ranging from an average of about \$26,000 in departments serving a population of 1 million or more, to an average of about \$16,000 in departments serving a population of under 10,000.

Across population categories, the salaries of sergeants and sheriffs had a pattern similar to that of salaries of entry-level

officers. The overall average base starting salary for a sergeant was about \$22,000, starting at an average of \$35,530 in the largest jurisdictions and at \$18,560 in the smallest. A sheriff's average starting salary in departments serving a population of 1 million or more was about \$80,000, over 3 times as much as in departments serving a population of under 10,000.

About 43% of sheriffs' departments with 100 or more sworn officers authorized collective bargaining for employees in 1990. Some of these larger departments also authorized the following types of special pay for full-time sworn officers:

Type of special pay	Percent of large sheriffs' departments authorizing
Educational incentive	50%
Merit	44
Shift differential	29
Hazardous duty	27

Equipment

About 3 in 4 sheriffs' departments authorized the use of some type of semiautomatic sidearm by officers (table 15). About two-thirds of all departments authorized the use of 9mm semiautomatic sidearms.

One or more types of revolvers were authorized for use by officers in 82% of sheriffs' departments. The two most frequently authorized types were the .357 (authorized by 72% of the departments) and the .38 (authorized by 47%).

Nonlethal weapons were authorized for use in 80% of all sheriffs' departments (table 16). The types of these weapons most frequently mentioned — both authorized by 52% of the departments — were impact devices, such as sidearm batons or soft projectiles, and chemical agents like tear gas and mace.

Table 13. Training requirements for new officer recruits in sheriffs' departments, by size of population served, 1990

Population served	Percent of departments requiring training	Average number of hours required		
		Total	Classroom	Field
All sizes	89%	471	354	117
1,000,000 or more	85%	946	538	408
500,000-999,999	94	821	511	310
250,000-499,999	100	638	379	259
100,000-249,999	90	581	384	197
50,000-99,999	93	553	372	181
25,000-49,999	90	498	352	146
10,000-24,999	85	410	342	68
Under 10,000	91	367	325	42

Note: Computation of average number of training hours excludes departments not requiring training.

Table 14. Average base starting salary for selected positions in sheriffs' departments, by size of population served, 1990

Population served	Average base starting salary, 1990		
	Entry-level deputy	Sergeant	Sheriff
All sizes	\$17,420	\$21,870	\$33,530
1,000,000 or more	\$26,180	\$35,530	\$80,350
500,000-999,999	22,950	32,100	61,490
250,000-499,999	20,130	26,860	53,710
100,000-249,999	19,530	24,830	44,900
50,000-99,999	18,300	23,100	38,460
25,000-49,999	16,950	21,510	33,050
10,000-24,999	16,940	20,840	30,320
Under 10,000	15,860	18,560	24,530

Note: Average salaries are based on the minimum starting salary offered by a department and have been rounded to the nearest 10 dollars. Computation of average salary excludes departments with no full-time employee in that position.

Table 15. Types of sidearms authorized for use by sworn officers in sheriffs' departments, by size of population served, 1990

Population served	Percent of departments authorizing:									
	Semiautomatic						Revolver			
	One or more types	.357	.380	.45	9mm	10mm	One or more types	.357	.38	.45
All sizes	74%	4%	6%	32%	67%	12%	82%	72%	47%	11%
1,000,000 or more	71%	7%	22%	40%	67%	11%	100%	77%	80%	21%
500,000-999,999	79	0	10	30	70	9	86	54	70	12
250,000-499,999	84	3	9	43	81	17	86	70	68	1
100,000-249,999	78	5	5	34	75	12	84	74	47	10
50,000-99,999	82	6	9	39	74	16	81	72	59	10
25,000-49,999	71	2	4	30	67	15	79	73	42	9
10,000-24,999	75	3	5	31	65	10	82	73	42	11
Under 10,000	67	5	5	30	59	10	80	70	46	14

Note: Some types of sidearms not included in this table may have been authorized for use in some departments.

Table 16. Types of nonlethal weapons authorized for use by sworn officers in sheriffs' departments, by size of population served, 1990

Population served	Percent of departments authorizing the use of:				
	One or more types	Impact devices	Chemical agents	Electrical devices	Restraining devices
All sizes	80%	52%	52%	25%	23%
1,000,000 or more	96%	77%	80%	39%	26%
500,000-999,999	82	65	59	23	24
250,000-499,999	94	80	74	27	40
100,000-249,999	91	67	54	22	30
50,000-99,999	84	52	60	27	18
25,000-49,999	74	51	47	25	21
10,000-24,999	80	50	49	26	26
Under 10,000	75	45	49	23	18

Note: Impact devices category includes sidearm batons, soft projectiles, and rubber bullets. Chemical agents category includes tear gas and mace. Electrical devices category includes tasers and stun guns. Restraining devices category includes three-point trips and capture nets, but not handcuffs.

About 3 in 5 sheriffs' departments supplied at least some officers in regular field operations with protective body armor or gave them a cash allowance to purchase it (table 17). About half of the departments serving a population of under 10,000 supplied officers with armor or gave them a cash allowance for it — a smaller proportion than in larger jurisdictions.

Overall, 27% of sheriffs' departments required that at least some officers in regular field operations wear body armor while on duty, including 21% that required

all such officers to wear it. Of the departments serving a population of 1 million or more, 44% required at least some officers on duty in regular field operations to wear body armor, with about half these departments applying the policy to all regular field operations officers. Among departments serving a population of 250,000 to 499,999, 42% of them required at least some officers to wear armor. About three-fourths of these departments applied the policy to all regular field operations officers.

Nationwide, sheriffs' departments operated about 7 cars for every 10 sworn officers (table 18). The ratio of cars to officers was lowest in jurisdictions of 1 million residents or more — 3 cars per 10 officers — and highest in departments serving a population of under 50,000 — about 7 cars per 10 officers.

Approximately 28% of all the cars operated by sheriffs' departments were unmarked. The 62% of cars that were unmarked in departments serving a population of 1 million or more represented nearly 3 times the percentage of unmarked cars in departments serving a population of under 25,000.

About 82% of sheriffs' departments permitted sworn officers to take marked cars home (table 19). Departments serving a population of under 10,000 (91%) were twice as likely to allow marked vehicles to be taken home as departments serving a population of 1 million or more (45%). Overall, 28% of sheriffs' departments allowed officers to take a marked car home and drive it for personal use.

Table 17. Body armor policies for regular field operations officers in sheriffs' departments, by size of population served, 1990

Population served	Percent of departments:					
	Supplying officers with armor or giving officers cash allowance for armor			Requiring officers to wear armor while on duty		
	Total	All officers	Some officers	Total	All officers	Some officers
All sizes	61%	54%	7%	27%	21%	6%
1,000,000 or more	85%	65%	20%	44%	23%	21%
500,000-999,999	71	54	17	26	17	9
250,000-499,999	59	51	8	42	30	12
100,000-249,999	71	59	12	31	24	7
50,000-99,999	69	57	12	27	17	10
25,000-49,999	63	59	4	25	24	2
10,000-24,999	62	57	5	30	23	7
Under 10,000	48	40	8	20	16	4

Note: Detail may not add to total because of rounding.

Table 18. Number of cars per sworn officer and percent of cars that are unmarked in sheriffs' departments, by size of population served, 1990

Population served	Ratio of cars to sworn officers	Percent of cars that are unmarked
All sizes	.69	28%
1,000,000 or more	.29	62%
500,000-999,999	.41	46
250,000-499,999	.47	43
100,000-249,999	.53	42
50,000-99,999	.59	32
25,000-49,999	.70	30
10,000-24,999	.74	23
Under 10,000	.78	21

Table 19. Vehicle-use policies for sworn officers in sheriffs' departments, by size of population served, 1990

Population served	Total	Percent of departments not allowing officers to take vehicles home	Percent of departments allowing officers to take vehicles home		
			Total	Off-duty use allowed	Off-duty use not allowed
All sizes	100%	18%	82%	28%	54%
1,000,000 or more	100%	55%	45%	7%	38%
500,000-999,999	100	43	57	21	37
250,000-499,999	100	29	71	18	53
100,000-249,999	100	32	68	29	39
50,000-99,999	100	27	73	25	48
25,000-49,999	100	18	82	20	62
10,000-24,999	100	13	87	33	54
Under 10,000	100	9	91	34	57

Note: Detail may not add to total because of rounding. Table refers to marked vehicles only.

Computers

About 63% of sheriffs' departments, employing 85% of all officers, reported the use of computers in 1990 (table 20). All departments serving a population of 1 million or more were using computers and only in jurisdictions of under 10,000 were less than half of the departments using some type of computer.

Overall, the personal computer was the most commonly used type of computer, with use reported by 46% of all sheriffs'

departments and by every department in jurisdictions with 1 million residents or more. About 30% of departments had either exclusive or shared access to a mainframe computer, including 65% of departments serving a population of 100,000 or more. Laptop computers, used by 5% of all departments, were being used by 39% of the departments serving a population of 1 million or more. While only 1% of all departments reported having car-mounted digital terminals, 24% of departments in the largest jurisdictions reported such equipment.

About half of all sheriffs' departments reported using computers for record-keeping, including three-fourths of all departments serving a population of 50,000 or more (table 21). Other computer functions reported by at least a fourth of all departments, and by a majority of departments serving 250,000 or more residents, included criminal investigations (35%), jail management (33%), budgeting (26%), and dispatch (25%). About half of departments serving a population of 500,000 or more were using computers for crime analysis, and about two-thirds of departments serving a population of 1 million or more reported using computers for fleet management.

The most common types of computerized files maintained by sheriffs' departments pertained to warrants (47%) and arrests (42%) (table 22). About a third of all sheriffs' departments also maintained files on criminal histories and stolen property. At least 30% of the departments in each of the 6 largest population categories (25,000 and up) maintained files on Uniform Crime Reports (UCR), calls for service, summons, and traffic citations. A majority of departments serving a population of 250,000 or more had computer files on payroll and personnel, and departmental inventory.

Table 20. Types of computers used by sheriffs' departments, by size of population served, 1990

Population served	Percent of departments using each type of computer						
	One or more types	Personal	Mainframe	Mini	Laptop	Digital terminal	
						Car-mount	Hand held
All sizes	63%	46%	30%	9%	5%	1%	--
1,000,000 or more	100%	100%	85%	59%	39%	24%	15%
500,000-999,999	93	87	74	28	22	15	5
250,000-499,999	87	79	69	29	17	5	2
100,000-249,999	91	72	60	17	7	4	1
50,000-99,999	86	60	47	17	10	0	0
25,000-49,999	72	47	37	7	4	1	0
10,000-24,999	53	37	18	5	2	0	0
Under 10,000	38	28	12	2	2	0	0

-- Less than 0.5%

Table 21. Selected functions of computers in sheriffs' departments, by size of population served, 1990

Population served	Percent of departments using computers for:							
	Record-keeping	Criminal investigations	Jail management	Budgeting	Dispatch	Crime analysis	Fleet management	Manpower allocation
All sizes	51%	35%	33%	26%	25%	20%	16%	11%
1,000,000 or more	85%	81%	70%	65%	62%	52%	67%	46%
500,000-999,999	79	66	75	70	50	57	42	38
250,000-499,999	72	56	63	64	49	42	38	30
100,000-249,999	80	50	54	54	46	31	30	24
50,000-99,999	75	55	61	40	36	28	31	16
25,000-49,999	59	43	40	21	32	25	15	10
10,000-24,999	42	28	21	15	18	16	9	5
Under 10,000	26	16	15	15	9	8	4	5

Table 22. Types of computerized information files maintained by sheriffs' departments, by size of population served, 1990

Population	Percent of departments maintaining computer files on:											
	Warrants	Arrests	Criminal histories	Stolen property/vehicles	Uniform Crime Reports	Calls for service	Summons	Traffic citations	Payroll/personnel	Inventory	Evidence	License registration
All sizes	47%	42%	35%	34%	29%	28%	27%	26%	24%	23%	20%	18%
1,000,000 or more	89%	71%	81%	62%	54%	70%	41%	45%	73%	71%	52%	58%
500,000-999,999	68	70	68	49	52	41	45	43	68	54	35	30
250,000-499,999	79	66	59	48	53	58	45	38	62	60	46	20
100,000-249,999	74	56	54	41	38	45	45	40	49	47	35	34
50,000-99,999	65	65	45	52	45	48	33	35	39	27	33	24
25,000-49,999	58	51	45	41	36	33	33	32	24	25	26	19
10,000-24,999	36	34	24	30	23	21	22	21	17	15	13	14
Under 10,000	25	24	20	17	16	11	15	16	8	12	8	13

Programs and policies

Departments with 100 or more sworn officers reported on the types of special units operated (table 23). About 82% of these departments were operating special units for drug education in schools and community crime prevention. More than half of large sheriffs' departments had special units for child abuse (65%), missing children (61%), and juvenile delinquency (59%). Other types of special units operated by more than a third of large sheriffs' departments dealt with gangs (47%), drunk drivers (45%), domestic violence (40%), and victim assistance (35%).

Departments with 100 or more officers also reported on the types of written policy directives maintained (table 24). The most commonly cited subject areas were the use of deadly force (96%), off-duty employment

(96%), codes of conduct and appearance (95%), and pursuit driving (90%). Most large departments also had written policy directives dealing with strip searches (88%), juveniles (86%), citizen complaints (84%), mentally ill/handicapped persons (81%), domestic disturbances (77%), use of confidential funds (70%), and employee counseling (70%).

Methodology

The Law Enforcement Management and Administrative Statistics (LEMAS) survey collects data from a nationally representative sample of the nearly 17,000 publicly funded State and local law enforcement agencies in the United States. This report focuses solely on sheriffs' departments.

All 780 State and local law enforcement agencies in the United States with 100 or more sworn officers (as reported in the 1986 Directory Survey of Law Enforcement Agencies) received the full-length LEMAS questionnaire. The 780 self-representing (SR) agencies were supplemented by a nationally representative sample of all agencies with fewer than 100 sworn officers. These nonself-representing (NSR) agencies were chosen using a stratified random sample with cells based on type of agency (local police, sheriff, or special police), size of population served, and number of sworn officers. The 2,338 NSR agencies received a slightly abbreviated LEMAS questionnaire, which did not contain items about job classifications, residency requirements, special pay, collective bargaining, police membership organizations, special units, or written policy directives.

The initial mailing of the survey questionnaire was conducted in July 1990. The pay period containing June 15, 1990, was used as the reference date for personnel-related questions and June 30, 1990, for other questions. The data were collected by the Bureau of the Census for the Bureau of Justice Statistics.

After two followup mailings and additional telephone calls as needed, a final total of 2,945 agencies responded to the LEMAS questionnaire, including 738 SR agencies and 2,207 NSR agencies. The overall response rate was 94.5%. The final data-

base includes responses from 1,830 local police departments, 840 sheriffs' departments, 226 special police departments, and the 49 primary State police departments.

The base weight for all SR agencies is 1. For NSR local and special police departments, the base weight is 8.128, and for NSR sheriffs' departments it is 4.09857. The final weight associated with every agency, both SR and NSR, is the product of the base weight and a factor that adjusted for any nonresponding agencies in each sample cell. This agency nonresponse factor was based on number of sworn officers for SR agencies and on number of agencies for NSR agencies.

Some responding agencies did not completely answer the LEMAS questionnaire. When an agency did not supply a response to an item, a donor agency was randomly selected from responding agencies in the same sample cell. The donor agency's value for the item was placed into the nonresponding agency's response field with an indicator that the value had been imputed. Complete documentation regarding sampling procedures and non-response adjustments is available upon request.

Data on the number of employees and on the amount of agency expenditures in this report are not comparable with other BJS reports, such as the Survey of Criminal Justice Expenditure and Employment series. In the latter, these data are presented by governmental function, whereas in the LEMAS survey, expenditures are classified by type of agency. For example, what might be attributed to sheriffs' departments in the LEMAS survey would be apportioned among various functions, such as police protection and corrections, in the Expenditure and Employment series. It should be noted that the LEMAS figures for operating expenditures include employee benefits, but the Expenditure and Employment figures do not.

Because the data from agencies with fewer than 100 sworn personnel were collected from a sample, the results are subject to sampling error. All statements of comparison in this report have been tested to ensure that observed differences between values are significant at 2 standard errors (the 95-percent confidence level) or higher.

Table 23. Types of special units operated by large sheriffs' departments, 1990

Type of special unit	Percent of large departments
Drug education in schools	82%
Community crime prevention	82
Child abuse	65
Missing children	61
Juvenile delinquency	59
Gangs	47
Drunk drivers	45
Domestic violence	40
Victim assistance	35
Prosecutor relations	31
Repeat offenders	28
Bias-related crimes	24

Note: Unit may be full-time or part-time. Table excludes departments with fewer than 100 sworn personnel.

Table 24. Selected types of written policy directives maintained by large sheriffs' departments, 1990

Subject area of directive	Percent of large departments
Use of deadly force	96%
Off-duty employment	96
Code of conduct and appearance	95
Pursuit driving	90
Strip searches	88
Juveniles	86
Citizen complaints	84
Mentally ill/handicapped persons	81
Domestic disturbances	77
Use of confidential funds	70
Employee counseling	70
Private security firms	29
Homeless persons	19

Note: Table excludes departments with fewer than 100 sworn personnel.

Brian Reaves wrote this report. Tom Hester edited it. Pheny Z. Smith provided statistical review. Michael W. Agopian, Lawrence A. Greenfeld, and Richard W. Dodge reviewed the publication. It was produced by Marilyn Marbrook, assisted by Jayne Pugh and Yvonne Boston. Sample design, selection, and weighting were provided by David Hubble and Elizabeth Sweet of the Statistical Methods Division, Bureau of the Census. The data were collected and processed by Martha Greene, Linda Huang, Theresa Reitz, Ellen Rhodes, and Charlene Sebold of the Governments Division, Bureau of the Census.

NCJ-133283, January 1992

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: DILLINGHAM, STEVEN D., DIRECTOR, BJS

To: AG. (THRU OJP/GURULE)

ODD: NONE

Date Received: 01-27-92 Date Due: NONE

Control #: X92012801282

Subject & Date

01-27-92 MEMO ATTACHING A BUREAU OF JUSTICE STATISTICS (BJS)

NEWS RELEASE ON RECIDIVISM OF FELONS ON PROBATION,
1986-89. THE RELEASE IS SCHEDULED FOR FEBRUARY 2, 1992,
STATING THAT 43 PERCENT OF A LARGE SAMPLE OF FELONS
SENTENCED TO SUPERVISED PROBATION IN THE COMMUNITY WERE
ARRESTED WITHIN THREE YEARS ON NEW FELONY CHARGES.
ADVISES THAT A COPY OF THE RELEASE HAS BEEN TRANSMITTED
TO PAO FOR REVIEW.

Referred To: Date:
(1) OAG; 01-28-92
(2)
(3)
(4)

Referred To: Date:
(5)
(6)
(7)
(8)

INTERIM BY:
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Date Released:

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Remarks

CC INDICATED FOR OLS.
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KMM 01-28-92

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1. OFFICE OF JUSTICE PROGRAMS

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of Justice Programs

RECEIVED
Bureau of Justice Statistics
DEPARTMENT OF JUSTICE

Office of the Director

'92 JAN 27 P5:44
Washington, D.C. 20531

JAN 27 1992
EXECUTIVE SECRETARIAT

MEMORANDUM FOR: William P. Barr
Attorney General

THROUGH: Jimmy Gurulé
Assistant Attorney General

FROM: Steven D. Dillingham, Ph.D.
Director

SUBJECT: Bureau of Justice Statistics News Release--
Recidivism of Felons on Probation, 1986-89

Attached for your information is a Bureau of Justice Statistics (BJS) news release scheduled for February 2, stating that 43 percent of a large sample of felons sentenced to supervised probation in the community were arrested within three years on new felony charges. About one-half of the new arrests were for violent crimes or drug offenses.

During 1986 courts in 32 counties in 17 states sentenced about 79,000 felons to either straight probation or a probation term following time spent in a local jail. Within three years, 43 percent had been rearrested on charges of committing another felony. Twenty percent of the new arrests were for alleged violent crimes, such as assault, robbery, murder or rape; 16 percent were for the alleged possession of illegal drugs and 17 percent were on drug trafficking charges. About half of those arrested while on probation were arrested more than once.

The 17-state sample, accounting for one-fourth of the approximately 306,000 felons sentenced to some type of probation during 1986, represents the nation's largest follow-up study ever conducted among felony probationers. Among the other findings in the survey, which was based on criminal history records and probation agency files, were the following:

- o Twelve percent were on probation for a violent offense, 34 percent for a property offense, another 34 percent for a drug offense and 20 percent for other felonies.
- o During their probation 62 percent of the probationers either had a disciplinary hearing for an alleged violation of their probation requirements or were rearrested on felony charges.

- o Within three years, 46 percent of the probationers had been sent to a jail or prison or had illegally left the jurisdiction in which they had been serving their probation sentences.
- o Twenty-one percent of the probationers had been sentenced to supervision in the community despite the fact that probation officials prior to sentencing had recommended against their release into the community. These probationers were almost twice as likely to be subsequently imprisoned while on probation (37 percent) compared to those who had been recommended for probation (22 percent).
- o Eighty-four percent of the probationers had been required to pay a financial penalty as a condition of their release. Types of financial penalties included victim restitution (29 percent), court costs (48 percent) and almost a third (32 percent) were required to contribute to the costs of their own supervision. The average financial penalty was \$1,800. Victim restitution averaged \$3,400, court costs \$560 and supervision fees \$680.
- o Fifty-three percent of the felony probationers were required to meet certain other special conditions, such as drug testing (31 percent), drug treatment (23 percent) or alcohol-abuse treatment (14 percent).
- o Among the probationers who completed their probation terms during the study's three-year period, 69 percent of those with special conditions had fully satisfied the conditions and 47 percent of those with a financial penalty had paid the penalty in full.

Sixty percent of the 4.3 million adults under some form of correctional sanction on any given day in the U.S. are on probation in the community. Of these, about one-half are convicted felons.

A copy of the release has been transmitted to the Department's Office of Public Affairs, where it is under review.

A copy of the release has also been sent to the Director of the Office of Liaison Services for his information.

Attachment

cc: William Lucas, Director,
Office of Liaison Services



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY, FEBRUARY 2, 1992

BJS
202-307-0784

Forty-three Percent of the Felons Out on Probation
Rearrested on New Felony Charges Within Three Years

WASHINGTON, D.C. -- Forty-three percent of a large sample of felons sentenced to supervised probation in the community were arrested within three years on new felony charges, according to a new Bureau of Justice Statistics (BJS) study announced today. The Bureau, a component of the U.S. Department of Justice's Office of Justice Programs, found that about one-half of the new arrests were for violent crimes or drug offenses.

"During 1986 courts in 32 counties in 17 states sentenced about 79,000 felons to either straight probation or a probation term following some time in a local jail," said Bureau Director Steven D. Dillingham. "Within three years, 43 percent had been rearrested on charges of committing another felony."

"Twenty percent of the new arrests were for alleged violent crimes, such as assault, robbery, murder or rape; 16 percent were for the alleged possession of illegal drugs and 17 percent were on drug trafficking charges," Dillingham noted. "About half of those arrested while on probation were arrested more than once."

-MORE-

Sixty percent of the 4.3 million adults under some form of correctional sanction on any given day in the U.S. are on probation in the community. Of these, about one-half are convicted felons.

The 17-state sample, accounting for one-fourth of the approximately 306,000 felons sentenced to some type of probation during 1986, represents the nation's largest follow-up study ever conducted among felony probationers. Among the other findings in the survey, which was based on criminal history records and probation agency files, were the following:

--Twelve percent were on probation for a violent offense, 34 percent for a property offense, another 34 percent for a drug offense and 20 percent for other felonies.

--During their probation 62 percent of the probationers either had a disciplinary hearing for an alleged violation of their probation requirements or were rearrested on felony charges.

--Within three years, 46 percent of the probationers had been sent to a jail or prison or had illegally left the jurisdiction in which they had been serving their probation sentences.

--Twenty-one percent of the probationers had been sentenced to supervision in the community despite the fact that probation officials prior to sentencing had recommended against their

-MORE-

release into the community. These probationers were almost twice as likely to be subsequently imprisoned while on probation (37 percent) compared to those who had been recommended for probation (22 percent).

--Eighty-four percent of the probationers had been required to pay a financial penalty as a condition of their release. Types of financial penalties included victim restitution (29 percent), court costs (48 percent) and almost a third (32 percent) were required to contribute to the costs of their own supervision. The average financial penalty was \$1,800. Victim restitution averaged \$3,400, court costs \$560 and supervision fees \$680.

--Fifty-three percent of the felony probationers were required to meet certain other special conditions, such as drug testing (31 percent), drug treatment (23 percent) or alcohol-abuse treatment (14 percent).

--Among the probationers who completed their probation terms during the study's three-year period, 69 percent of those with special conditions had fully satisfied the conditions and 47 percent of those with a financial penalty had paid the penalty in full.

Of the estimated 583,000 felons convicted in state courts during 1986, 31 percent received straight probation that

typically required a periodic visit with a probation officer but no incarceration. An additional 21 percent received probation combined with a period of time in a prison or a jail. Forty percent received a prison sentence only, 6 percent were sentenced to jail only and the remaining 2 percent received other sentences.

As of December 31, 1990, there were 2.7 million adults on probation in the U.S., compared to 2 million at the end of 1985. During 1990 about 1.6 million men and women entered a probation term and 1.5 million completed such supervision.

Single copies of the BJS special report, "Recidivism of Felons on Probation, 1986-89," (NCJ-134177) as well as other information about the bureau's publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

Data from the tables and graphs used in BJS bulletins and special reports are available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

#



Bureau of Justice Statistics Special Report

Recidivism of felons on probation, 1986-89

Patrick A. Langan, Ph.D.
BJS Statistician

Mark A. Cunliff
National Association of
Criminal Justice Planners

State courts in 32 counties across 17 States sentenced 79,000 felons to probation in 1986. Within 3 years of sentencing, while still on probation, 43% were rearrested for a felony. Half of the arrests were for a violent crime (murder, rape, robbery, or aggravated assault) or a drug offense (drug trafficking or drug possession).

These findings are from the Nation's largest followup survey of felons on probation, using a sample that represented a fourth of the total 306,000 felons sentenced to probation in 1986. Survey findings are based on criminal history records and information from probation agency files. The other findings include the following:

- Sixty-two percent of the probationers followed either had a disciplinary hearing for violating a condition of their probation or were arrested for another felony.
- Within 3 years, 46% of all probationers had been sent to prison or jail or had absconded (meaning their whereabouts were unknown or they had failed to report).
- A probation department often recommends in writing an appropriate sentence to the judge, who may accept or reject the recommendation. Of the 79,000 probationers in the followup survey, 21% had not

Probation supervision in the community accounts for about 60% of the 4.3 million adults serving a sentence on a given day in the United States. Offenders convicted of felonies comprise about half of the probation population nationwide. While convicted felons on probation outnumber the populations of San Diego or Detroit, little research across multiple jurisdictions has examined possible public-safety consequences of felony probation.

This report describes subsequent arrests and levels of compliance with court-ordered requirements of a sample of felony probationers drawn from 17 States. Within 3 years of sentencing in 1986, nearly 2 in 3 had been either arrested for a new felony or charged with violating

January 1992

their supervision requirements. Among those discharged from supervision, about half with financial obligations had not fully paid, and about a third of those ordered to fill special conditions had failed to satisfy those conditions. Overall, the data suggest that a relatively small fraction of felony probationers fully comply with all of the orders of the court.

We deeply appreciate the cooperation of probation agencies in the 32 counties in which this followup study was conducted. Without their assistance this research would not have been possible.

Steven D. Dillingham, Ph.D.
Director

been recommended for supervision in the community.

- The 21% of probationers who were not recommended for probation were nearly twice as likely to have their sentence revoked and to be sent to prison (37%) as those recommended for probation (22%).
- As a condition of their freedom, 53% of all felony probationers had a special condition to satisfy and 84% had a financial penalty to pay.
- The most commonly imposed special conditions required drug testing (31%), drug treatment (23%), or alcohol treatment (14%).

• Types of financial penalties included victim restitution (29%), court costs (48%), and probation supervision fees (32%).

• The average financial penalty was \$1,800: victim restitution with an average of \$3,400; court costs, \$560; and supervision, \$680.

• Among probationers completing their probation term within the 3-year period covered in the survey, 69% of those with special conditions had fully satisfied all conditions and 47% of those with a financial penalty had paid their penalty in full.

Introduction

At yearend 1990, probation authorities supervised approximately 2.7 million adults for misdemeanors and felonies. During the year there were about 1.6 million entries to and 1.5 million exits from probation supervision. The number on probation had increased from 2 million in 1985 to 2.7 million in 1990, with an average year-to-year increase of 6%.

Felons comprise about half the adults under supervision of probation agencies. While serving their sentence, the felons are usually monitored by a probation officer who enforces rules of conduct. Two related issues about the growing number of felons under supervision in the community have not been systematically and fully assessed: the public safety consequences of having large numbers of persons under conditional supervision and the capability of probation personnel to monitor an expanding number of felons.

To examine the outcome of sentences to probation for felons, the Bureau of Justice Statistics (BJS) sponsored the Nation's largest followup survey of adult felony probationers. The survey used official records to track the progress of a sample

of probationers in 17 States through their first 3 years on probation.

A national survey of felons convicted in State courts estimated that 306,000 felons received a sentence of probation, either straight or combined with incarceration.¹ The followup, based on 32 of the counties in that survey, provides the opportunity to observe the outcome of those sentences. The study used a sample of 12,370 probationers, representative of 79,043 probationers out of the total 306,000. It is the largest study ever conducted of felony probationers in terms of both cases and jurisdictions.

Probation defined

Probation is a criminal sentence that requires the offender to meet conditions under supervision in the community. A probation officer usually monitors the offender for these conditions and enforces rules of conduct. A court imposes probation either directly or in lieu of a partially or fully suspended jail or prison term. Probation is often combined with some time in jail or prison. Violations of the conditions

¹Felony Sentences in State Courts, 1986, BJS report, NCJ-115210, February 1989.

of supervision may result in imposition of a suspended sentence, resentencing, or continuation on probation.

About half of all persons on probation had been convicted of a felony. To describe the felony probationers' behavior under sentence of community supervision, BJS examined criminal justice agency records for outcomes that included the following:

successful discharge,
new felony rearrests,
any new sentences received
after rearrest,
absconding or unlawfully leaving
the jurisdiction,
compliance with special supervision
requirements, and
payment of financial obligations
imposed by the court.

Types of probation sentences

Of the 583,000 felons convicted in State courts in 1986, 31% received straight probation that required a periodic visit with a probation officer but no confinement. An additional 21% received probation combined with a period in a prison or jail — called a "split sentence" or "shock" probation. For 7 in 10 probationers who

Table 1. Characteristics of felony probationers in the followup survey

Most serious felony conviction offense	Number	Percent of probationers										
		All	With a jail term in probation sentence	With a prior felony conviction	Not recommended for probation*	Drug abusers			With demographic characteristic:			
						All	Of drug abusers, those ordered to be tested/ treated	Assigned to intensive supervision	Male	White	Black	Under age 30
All offenses	79,043	100%	50%	26%	21%	53%	58%	10%	85%	59%	38%	65%
Violent offenses	9,965	12%	55%	20%	27%	36%	46%	12%	91%	52%	45%	67%
Murder	247	-	45	12	40	31	36	4	75	51	46	53
Rape	1,406	2	54	15	28	26	42	17	97	72	26	44
Robbery	4,035	5	55	19	29	43	41	10	93	37	61	87
Assault	4,277	5	56	22	25	33	52	12	89	61	36	57
Property offenses	26,670	34%	42%	28%	21%	47%	51%	10%	82%	59%	38%	70%
Burglary	10,380	13	46	28	26	54	46	11	95	59	37	84
Larceny	12,458	16	41	28	17	43	53	9	79	58	38	64
Fraud	3,832	5	33	30	18	39	62	11	58	58	37	51
Drug offenses	27,052	34%	61%	27%	20%	74%	69%	11%	85%	60%	39%	65%
Trafficking	15,480	19	66	24	23	67	63	9	86	59	40	68
Possession	11,572	15	56	32	16	84	75	13	85	62	37	62
Weapons offenses	2,117	3%	30%	19%	21%	37%	42%	7%	95%	45%	54%	58%
Other offenses	13,239	17%	45%	26%	18%	36%	42%	9%	86%	66%	31%	55%

Note: The "murder" category consists of murder and nonnegligent manslaughter. "Assault" consists of aggravated assault only. "Larceny" consists of larceny and motor vehicle theft. "Fraud" consists of forgery, fraud, and embezzlement. "Other offenses" include receiving stolen property, sexual assault (not including rape), kidnapping, negligent manslaughter, and other felonies. Any person convicted of multiple offenses received the offense designation of the most serious felony conviction offense. The hierarchy from most to least serious is generally the order in which offense categories are displayed in the table. Regarding response rates, conviction offense was ascertained in 100% of cases; jail confinement in original sentence, 99%; prior felony conviction, 76%; sentence recommendation, 50%; drug abuser, 69%; drug testing or treatment order, 76%; intensive supervision, 61%; sex, 99%; race or age, 97%.

*Based on those for whom a PSI (Pre-Sentence Investigation Report) was prepared.

-Less than 1%.

had a term of incarceration, the confinement sentence was to jail. Distribution of State court sentences for felons follows:

Probation	52%
Straight	31
With jail	15
With prison	6
Jail only	6%
Prison only	40%
Other	2%

Jurisdictions vary in how often they use combined jail-probation sentences. In the 1986 sentencing survey, for example, 85% of California probationers and 5% of Texas probationers had a jail term with their probation. Although the average jail time served for split sentences, before the probation supervision, is unknown, it is probably less than the median of 5 months served by those leaving prison to probation supervision during 1986.²

The followup sample excluded the small number of convicted felons who received combined prison-probation sentences. In the followup sample, 50% of all felony probationers had combined jail-probation sentences as part of their original sentence (table 1). This was a substantially higher percentage than for felony probationers nationwide and indicates the influence of California counties in the followup sample.

Eligibility for probation

Judges generally have discretionary powers to grant or deny probation as the sentence for an offense. States, however, sometimes legislate statutes that bar or require the use of probation. For example, New York's "predicate felon" law precludes probation for any person with a prior felony conviction. Minnesota's sentencing guidelines direct judges to grant probation for persons convicted of larceny regardless of prior convictions and require the judges who depart from the guidelines to justify the sentence imposed.

Nonviolent offenders are more likely than violent offenders to receive a sentence to probation. Nationwide in 1986, among those convicted of violent felonies (murder, rape, robbery, and aggravated assault), 27% received a straight probation sentence or a jail-probation sentence. By contrast, 51% of felons convicted of nonviolent offenses were sentenced to either straight probation or probation with jail time. In

²Tabulated from the BJS-sponsored 1986 National Corrections Reporting Program.

State probation sentences nationwide, 1986

State courts convicted an estimated 583,000 felons in 1986. About 46% of these convicted felons received either straight probation or a combined probation-jail sentence. The following presents by offense the percentages of felony sentences which included a term of straight probation or probation in combination with jail:

Felony conviction offense	Probation with		
	Total	No jail	Jail
Total	46%	31%	15%
Murder	6	4	2
Rape	20	10	10
Robbery	20	12	8
Assault	43	26	17
Burglary	40	25	15
Larceny	50	34	16
Drug trafficking	54	34	20
Other	56	40	16

Source: BJS-sponsored 1986 National Judicial Reporting Program

1986 violent offenders accounted for about 11% of the 272,000 felons nationwide sentenced to probation and 12% of the followup sample representing 79,000 felony probationers in 32 counties (table 1).

First offenders are more likely to receive a sentence to probation than those offenders with prior convictions. A survey of 1988 State court felony convictions in the Nation's 75 largest counties shows that 37% of offenders with no prior felony conviction received straight probation, compared to 15% of repeat offenders.³ Among probationers in the followup, 26% had records of prior felony convictions. Among those convicted of drug possession, nearly 1 in 3 had a prior felony conviction. Among those on probation with a conviction for murder, 12% were repeat offenders.⁴

Probation department role in deciding who gets probation

For 89% of the 583,000 felons convicted in 1986, the appropriate sentence, rather than determination of guilt, was the most difficult decision for the court because the

³Tabulated from the BJS 1988 National Pretrial Reporting Program Survey. See *Pretrial Release Defendants, 1988*, BJS Bulletin, NCJ-1270202, February 1991.

⁴These estimates of prior felony convictions are mostly based on adult convictions recorded in State criminal history repositories. Estimates would have been higher had they included convictions before adulthood. The followup study, just as many judges, did not consider juvenile criminal records principally for two reasons: laws widely prohibit criminal history repositories from recording juvenile convictions and those juvenile records that can be reviewed lack ready access. See *Further reading for sources* that analyzed the effects of ignoring juvenile records.

defendants pleaded guilty. Judges alone set the sentence, except in most of the 36 States with a death penalty where death sentences are set by a jury and except for 6 States where sentencing of noncapital cases is by the verdict jury (the jury that convicted).⁵

Judges very often receive a sentencing recommendation. An unknown percentage of the time the prosecutor recommends a sentence. Sometimes the verdict jury recommends a sentence, but the practice is rare: 10 States permit a jury recommendation in death penalty cases; and 4 States, in noncapital cases.⁶ Most often sentence recommendations come from the probation department in a presentence investigation report (PSI).

A PSI provides a judge with detailed information on the convicted offender's criminal and social background. Based on that background, a PSI also usually recommends a sentence. The courts and probation offices in the 32 counties of the followup varied in the percentage of felony convictions in which a PSI was prepared. In the seven California and six New York counties a PSI was prepared for almost every case. In the two Maryland counties in the followup, however, PSI's were completed for 9% of the felony cases.

Judges, when imposing sentences, do not always follow the recommendations of the probation department's PSI. In the followup, PSI's were prepared for 72% of the 79,043 felony probationers. Among these, a sentence to probation supervision in the community had not been recommended for 21% of the cases or approximately 12,000 felons on whom the judge imposed a probation sentence (table 1).

Judges may reject a probation department recommendation for reasons such as:

- the recommendation conflicts with a plea agreement reached between the prosecution and the defense; or,
- the recommended sentence may be viewed as too harsh or too lenient, given the gravity of the offense and the extensiveness of the offender's criminal history.

When the 12,000 cases are compared with those of recommended probation, felons not recommended were more likely to have their probation revoked and be sent to prison (37%) than those recommended (22%).

⁵See *Felony Case Processing in State Courts, 1986*, BJS Special Report, NCJ-121753, February 1990.

⁶*Felony Case Processing in State Courts, 1986*.

Probation conditions Imposed

Felons released on probation to the community are required, as a condition of their freedom, to comply with the orders of the court. Having the probationer meet with the probation officer on a periodic basis, maintain steady employment, remain in school, or avoid certain places or people are frequently imposed standard conditions. Judges may also impose special conditions, often tailored to specific offender characteristics usually revealed in the PSI. In the followup sample, 53% of all felony probationers had at least one special condition imposed (table 2). Special conditions included the following: drug testing (31% of all probationers in the followup), drug treatment (23%); alcohol treatment (14%); community service work (12%); mental health counseling (10%); residence in a community facility, such as a treatment center (5%); requiring the probationer to report to a daytime location to account for his whereabouts (1%); and house arrest, restricting the probationer to his home when not working or otherwise engaged in approved outside activities (1%).

Financial penalties Imposed

Financial conditions were imposed on felony probationers in all 32 counties. Among the more than 79,000 felony probationers followed, 84% received some form of financial penalty as part of their sentence (table 3). Penalty types and amounts varied widely among counties, even counties in the same State.

Financial penalties Imposed on felony probationers

When estimates from the 79,043 felons in the followup are applied to the whole population entering probation in 1986, the amount of the total penalty reaches hundreds of millions of dollars. An average penalty of \$1,812 for 84% of the 306,000 offenders entering probation yields approximately \$500 million that courts imposed in 1986. The \$500 million breaks down as follows:

Type of financial penalty	National estimated total
Total	\$500 million
Court costs	80
Probation supervision	65
Victim restitution	295
Other fees	60

Judges in half the counties *routinely* — at least half the cases — imposed "court costs," consisting of fines, the costs of

court services, and public defender costs. Slightly over half the counties ever charged a probation supervision fee, usually to be

Table 2. Felony probationers in the followup survey receiving a sentence with a special condition

Most serious felony conviction offense	Percent of probationers receiving a sentence with a special condition								
	Total	Resi- dential placement	Alcohol treat- ment	Drug		Mental health counseling	House arrest	Day program	Com- munity service
				Treat- ment	Testing				
All offenses	53%	5%	14%	23%	31%	10%	1%	1%	12%
Violent offenses	50%	5%	18%	14%	17%	23%	1%	1%	8%
Murder	63	1	25	12	22	17	8	0	13
Rape	75	2	16	9	15	62	1	1	7
Robbery	35	5	12	16	15	7	1	1	6
Assault	53	6	23	14	20	22	1	1	9
Property offenses	46%	6%	11%	17%	23%	8%	2%	1%	13%
Burglary	47	7	14	18	23	8	1	1	12
Larceny	45	5	9	15	23	7	2	1	14
Fraud	44	5	11	20	24	7	1	-	12
Drug offenses	63%	4%	9%	38%	48%	5%	1%	-	10%
Trafficking	57	3	8	33	42	5	1	-	10
Possession	71	6	10	45	58	6	1	-	11
Weapons offenses	35%	3%	9%	8%	13%	6%	1%	-	11%
Other offenses	56%	6%	27%	14%	23%	15%	1%	1%	16%

Note: Detail exceeds percentage totals because 26% of probationers had more than 1 special condition. Imposition of a special condition was ascertained in 76% of cases. See table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified. -Less than 1%.

Table 3. Felony probationers in the followup survey receiving a financial penalty and the average amount of penalty received

Most serious felony conviction offense	Percent of probationers with a financial penalty				
	Total	Court costs	Probation supervision	Victim restitution	Other fees
All offenses	84%	48%	32%	29%	47%
Violent offenses	76%	39%	28%	24%	41%
Murder	81	44	39	30	46
Rape	85	49	30	14	46
Robbery	65	33	21	26	36
Assault	81	40	33	27	43
Property offenses	88%	50%	38%	50%	44%
Burglary	83	50	36	43	43
Larceny	90	48	40	51	43
Fraud	94	56	36	65	52
Drug offenses	84%	48%	28%	10%	56%
Trafficking	82	46	22	9	58
Possession	87	52	36	11	53
Weapons offenses	57%	42%	14%	8%	27%
Other offenses	88%	51%	37%	32%	42%
Average penalty					
Mean	\$1,812	\$561	\$678	\$3,368	\$219
Median	598	385	565	500	199

Note: Detail exceeds totals because 51% of probationers had more than 1 type of penalty. Imposition of a financial penalty was ascertained in 77% of cases; penalty amount, in 98% of the 77%. Also, see table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified.

paid monthly, but only 9 of the 32 counties routinely charged such a fee. Half the counties required restitution to the victim in at least a third of all felony probation cases.

Overall, financial penalties were an average \$1,812 per probationer. Court costs, imposed on 48% of the sampled probationers, were an average \$561; probation supervision fees, imposed on 32%, \$678; other fees, such as costs associated with drug tests and administrative costs in collecting penalties, imposed on 47%, \$219. Restitution payments, imposed on 29% of felony probationers in the followup sample, were an average \$3,368 per probationer.

Felony arrests and disciplinary hearings for probationers

Within 3 years from sentencing, 62% of probationers in the followup were either arrested for a new felony or charged at a hearing with violating a condition of supervision (figure 1).⁷ The overall estimate of 62% consisted of 30% who had both a subsequent felony arrest and a disciplinary hearing, 13% who had just an arrest, and 19% who had just a hearing.

Over the 3 years, 43% of the sample had a subsequent felony arrest, and 49% had a disciplinary hearing for violating a condition of supervision. Outcomes of an arrest or a disciplinary hearing range from dismissing

⁷Disciplinary hearings, usually held by the original sentencing judge, are the principal means for determining whether a violation of the conditions of supervision has occurred and what penalty to impose.

the charge and continuing the felon on probation to revoking probation and sending the felon to prison or jail. In addition, absconding from the jurisdiction during the probationary period may result in the issuance of a bench warrant. Absconding, new felony arrests and convictions that result in a sentence to confinement, and revocation of the conditional sentence to probation all represent unsuccessful outcomes.

Absconders and those sent to prison or jail after either conviction for a new offense or revocation of probation comprised 46% of all felony probationers in the followup.⁸ Within 3 years of sentencing, 26% of the felony probationers were sent to prison, another 10% were sent to jail, and an additional 10% were designated absconders with unknown whereabouts. Imposition of a jail or prison term usually followed more than the probationers' just failing to perform community service, missing a meeting with the probation officer, or committing some other technical violation of supervisory conditions. An estimated 86% of unsuccessful probationers sent to prison and 79% of those sent to jail had at least one new felony arrest during the followup period. Felony probationers with new arrests (66%) were about twice as likely as those with only technical violations (35%) to be sent to prison or jail during the 3-year followup.

⁸Felony probationers with more than one unsuccessful outcome were classified by the most serious outcome: prison, jail, or absconding — in descending order of seriousness.

Type of infraction	Percent of probationers sentenced to incarceration		
	Total	Prison	Jail
Arrest	66%	47%	19%
Technical violation only	35	24	11

Felony arrest offenses

The followup gathered information on felony arrests from two sources: probation department files and State criminal history repositories. The second source, most often maintained by State police departments, contains records of arrest and prosecution — "rap sheets." The quality of recidivism data from the two sources differed. Probation departments could not locate 20% of the probation files. Among cases with files that were located, the probation department records showed 50% fewer probationers arrested than actually were arrested, according to the combined sources. This finding suggests that probation officers did not know of half of all the arrests of probationers under their supervision.

Together, probation department files and rap sheets revealed that within 3 years of their sentence 43% of probationers were rearrested for a felony within the State. The estimate of recidivism would have been higher had out-of-State arrests been included. Moreover, some probationers were not available for arrest during the full 3 years because they were in jail under a split sentence, were deported, had absconded, or had died.

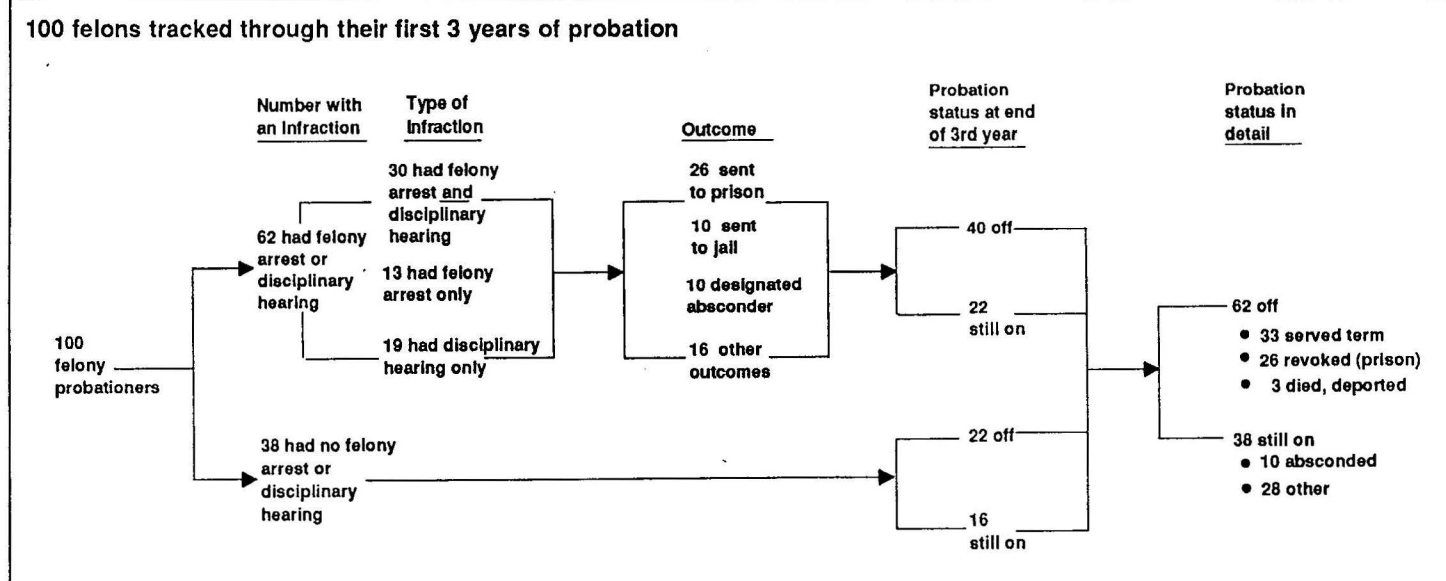


Figure 1

The 34,000 felony probationers with subsequent felony arrests acquired 64,000 felony charges during the followup period. Among those with new felony arrests, 54% had one new arrest charge, 24% had two, and the remaining 22% had three or more. Robbers (55%), those convicted of drug possession (52%), and burglars (49%) had among the highest rearrest rates (table 4). By contrast, about 20% of the felons sentenced to probation for murder or rape were arrested for a new crime during the followup period.

Felons on probation for murder (including nonnegligent manslaughter) were the ones most likely to be rearrested for murder (5%). Rapists were the ones most likely to be rearrested for rape (3%). This pattern — a tendency for offenders to repeat the crime they were previously convicted of — was evident for each offense type. Even with

the overall pattern, the vast majority of arrested probationers were not rearrested for the same offense for which they were serving probation. For example, 21% of murderers on probation were rearrested — 5% for a new murder and the remaining 16% for something else. Furthermore, about 96% of the 340 arrests for murder were arrests of persons not on probation for murder. Of the 247 felons on probation for murder, 12 (or 5%) of them were rearrested for murder. Therefore, of the 340 probationers arrested for murder, 12 of them were felons on probation for murder. An estimated 9% of probationers, or 6,700 felons, were arrested for a violent crime: murder (.8%), rape (.6%), robbery (3.5%), or aggravated assault (3.6%) (table 4). The 6,700 arrested for a violent crime were 20% of the total 34,000 arrested.

The felony probationers with new arrests reflected a higher percentage of violent offenders (20%) than was true for the entire sample (12%). The percentage of drug and property offenders among those with new arrests paralleled the composition of the felony probation sample:

Offense	Percent of probationers	
	Sample	New arrests
Total	100%	100%
Violent	12	20
Property	34	34
Drugs	34	33
Other	20	13
Number	79,043	34,000

Compliance with the conditions of supervision

Violating the conditions of probation did not always result in prolonging release or in an

Table 4. Felony probationers in the followup survey who were arrested for a felony offense while on probation

Most serious felony conviction offense	Percent of probationers arrested for:														
	Violent offenses						Property offenses				Drug offenses			Weapons offenses	Other offenses
	Total	Total	Murder	Rape	Robbery	Assault	Total	Burglary	Larceny	Fraud	Total	Trafficking	Possession		
All offenses	43.0%	8.5%	.8%	.6%	3.5%	3.6%	14.8%	6.1%	7.0%	1.7%	14.1%	7.1%	7.0%	1.3%	4.3%
Violent offenses	41.0%	17.9%	1.2%	1.5%	8.6%	6.6%	9.4%	4.3%	4.6%	.5%	8.9%	3.4%	5.5%	1.5%	3.3%
Murder	20.8	7.9	4.9	.5	.5	2.0	4.4	.5	3.4	.5	6.0	3.0	3.0	0	2.5
Rape	19.5	8.3	.4	2.9	2.0	3.0	2.7	1.3	1.0	.4	5.1	1.7	3.4	.2	3.2
Robbery	54.6	24.8	1.0	1.3	17.3	5.2	13.3	6.0	7.0	.3	11.4	3.8	7.6	2.2	2.9
Assault	35.4	14.7	1.4	1.3	2.6	9.4	7.9	3.8	3.5	.6	7.7	3.6	4.1	1.4	3.7
Property offenses	43.4%	7.4%	.5%	.5%	3.2%	3.2%	23.7%	10.2%	10.7%	2.8%	7.3%	3.0%	4.3%	1.1%	3.9%
Burglary	49.1	9.3	.7	.8	3.8	4.0	25.8	17.2	7.6	1.0	9.0	3.9	5.1	1.0	4.0
Larceny	39.4	6.7	.5	.3	3.3	2.6	21.3	6.6	12.2	2.5	6.7	2.7	4.0	1.1	3.6
Fraud	41.0	4.5	0	.4	1.0	3.1	25.5	2.7	13.9	8.9	5.1	1.8	3.3	1.3	4.6
Drug offenses	48.9%	7.4%	.9%	.4%	2.7%	3.4%	10.3%	4.1%	5.2%	1.0%	26.7%	14.9%	11.8%	1.0%	3.5%
Trafficking	46.5	8.0	1.2	.6	2.5	3.7	9.4	3.6	5.0	.8	25.3	17.3	8.0	1.1	2.7
Possession	52.2	6.7	.5	.2	3.1	2.9	11.4	4.6	5.5	1.3	28.7	11.8	16.9	.8	4.6
Weapons offenses	36.0%	11.2%	1.0%	0	5.6%	4.6%	4.8%	0	3.4%	1.4%	10.1%	3.4%	6.7%	7.7%	2.2%
Other offenses	32.2%	5.8%	.7%	.7%	1.9%	2.5%	11.4%	4.2%	5.5%	1.7%	5.7%	2.1%	3.6%	1.5%	7.8%

Note: Any person arrested for multiple offenses received the arrest offense designation of the most serious arrest offense. The hierarchy from most to least serious was generally the order in which offense categories are displayed in the table. The arrest offense was known for up to 3 arrests. Also, see table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified. Arrest on probation was ascertained in 88% of cases.

imposition of time in prison or jail. For every 100 probationers who had been discharged as "successful" after completion of their probation term, 48 had one or more conditions to satisfy as part of their sentence (table 5). Probation records indicate that about 33 satisfied those conditions, 5 partially satisfied them, and 10 failed to satisfy or to make progress toward satisfying any of them. Among the 10 of every 100 "successful" discharged probationers who failed to satisfy the conditions of supervision, 2 served a term of confinement. Records for the other eight provide no evidence of a penalty for their failure.

Besides the duty of ensuring that probationers fulfill special conditions, probation agencies often have the responsibility to oversee the court-ordered payments. Probation records indicate that most felons failed to comply fully with financial payment orders. In the 3-year followup, amounts collected averaged \$633, or 35% of the average financial penalty imposed.

Among those who were discharged within the followup period, 83% had a financial penalty to pay (table 6). Of these, less than 1% had failed to pay something toward the total amount imposed, but the average amount paid was 56% of the financial penalty imposed.

The effect of drug testing and treatment in reducing new arrests

Based upon probation department records in the sampled counties, most probationers in the followup had a drug abuse problem

(53%), characterized by either occasional (22%) or frequent use (31%) of illegal drugs (table 1). Drug abusers were more likely than non-abusers to have had a subsequent arrest during the followup period:

Drug abuse	Percent of probationers arrested
Non-abuser	36%
Occasional abuser	44
Frequent abuser	55

Probation records reveal that among those with known drug problems, 42% were *not* required by the judge to be tested periodically or to participate in drug treatment. The evidence is inconclusive that testing or treatment helps to reduce the likelihood of subsequent arrest among those with a known drug problem. If the frequency of drug use is held constant, half of all drug abusers ordered to be tested or treated and half of all drug abusers not so ordered were rearrested during their probation.

The probationer's compliance with special conditions of drug testing or treatment — not just whether testing or treatment had been ordered — does provide possible evidence of a lower likelihood of rearrest. Those who had satisfied the condition or were making progress toward satisfying the condition (together comprising 54% of all drug abusers ordered to be tested or treated) were less likely to have a new arrest (38%) than either those who had made no progress (66%) or those drug abusers who had not been ordered to be tested or treated (48%).

Drug testing/ treatment	Percent of probationers arrested on probation		
	Total	Satisfied condition or made progress	Neither satisfied condition nor made progress
Testing or treatment	51%	38%	66%
Testing and treatment	51	36	65
Testing only	53	34	67
Treatment only	47	42	67
None	48	-	-

-Not applicable

The effect of intensive supervision in reducing new arrests

Many probation departments assign an entering probationer to a level of supervision based upon the criminal and social history documented in the PSI. The assigned supervision level generally specifies the required frequency of contact between the probation officer and the offender. The distribution of contact levels among probationers in the followup is shown below:

Initial supervision level	Prescribed number of contacts	Percent of sample
Intensive	9 per mon.	10%
Maximum	3 per mon.	32
Medium	1 per mon.	37
Minimum	1 per 3 mos.	12
Administrative	None required	9

Whether probationers were actually seen as frequently as their supervision level prescribed could not be determined from the probation records in the sampled jurisdictions.

Table 5. Compliance with special conditions among felony probationers in the followup survey who had completed their sentence

Type of special condition	Probationers who had completed their sentence				
	Percent with a special condition	Percent who			
		Total	Did not satisfy condition(s)	Partially satisfied condition(s)	Totally satisfied condition(s)
One or more conditions	48%	100%	21%	10%	69%
Residential placement	5	100	23	2	75
Alcohol treatment	13	100	16	8	76
Drug treatment	19	100	25	7	68
Drug testing	22	100	28	5	67
Mental health counseling	8	100	14	6	80
House arrest	1	100	26	5	69
Day program	1	100	6	29	65
Community service	14	100	17	4	79

Note: Detail exceeds 48% total with a special condition because 19% of probationers had more than 1 condition. Imposition of a special condition was ascertained in 68% of cases; compliance, in 90% of the 68%.

Table 6. Payment of financial penalty by felony probationers in the followup survey who had completed their sentence

Type of financial penalty	Percent with financial penalty	Probationers who had completed their sentence				Percent of penalty paid
		Percent who paid				
		Total	Nothing	Something	In full	
One or more penalties	83%	100%	-	53%	47%	56%
Court costs	46	100	-	40	60	62
Probation supervision	25	100	40	29	31	41
Victim restitution	27	100	29	11	60	54
Other fees	50	100	6	34	60	72

Note: Detail exceeds 83% total with a financial penalty because 47% of probationers had more than 1 penalty. Imposition of a financial penalty was ascertained in 71% of cases; amount imposed and paid, in 98% of the 71%. -Less than 1%.

A goal of intensive supervision is to reduce the likelihood of continued criminal activity.⁹ Yet, probationers under intensive supervision had the highest arrest rate of any supervision level (56%).

The followup data cannot account for the higher arrest rate. The rate may reflect supervision failure or the fact that probationers normally assigned to intensive supervision are high risk offenders. For example, among those under intensive supervision, 39% had a prior felony conviction and 75% were drug abusers; among all probationers, corresponding percentages were 26% and 53%. Even taking into account these risk characteristics, probationers in intensive supervision were arrested more frequently than those under less scrutiny. But it is still possible that considering more characteristics would eliminate the difference or even reveal that probationers under intensive supervision did better than expected.

What happened to probationers after felony arrest

Rap sheets reveal that 75% of the probationers were convicted after their first felony arrest (64% a felony conviction and 11% a misdemeanor conviction). Of those convicted, 88% were sentenced to incarceration—to prison in 42% of cases and to jail in 46% (table 7). The total percentage of those sentenced to incarceration upon conviction after a second or third arrest rose only slightly above 88%. However, the likelihood of a sentence to prison changed markedly: prison sentences comprised 42% of sentences after the first arrest, 49% after the second, and 70% after the third.

Probation status 3 years later

Three years after being placed on probation, 38% of the felons were still under supervision, and 62% had left probation (figure 1). Those on probation included 10% who had absconded and 28% who had not. The offenders off probation included 33% who had completed their sentence, 26% who had gone to prison,

⁹Intensive supervision cases were defined in this study as those cases assigned to receive the highest level of contact between the probation officer and probationer or those offenders placed in special residential facilities.

and 3% who had died or had been deported.¹⁰

Probation status after 3 years	Percent
Total	100%
Still on probation	38%
Absconded	10
Other	28
Off probation	62%
Served term	33
Revoked (prison)	26
Died or deported	3

The 33% completing their term had served an average of 2 1/4 years on probation, or 90% of their 2 1/2 year average sentence. (Three and a half years was the average sentence for all those in the followup.) While those who completed their term did

¹⁰In this study a revocation was defined as receiving a prison sentence. Probation departments usually define a revocation more broadly. In Denver, for example, probationers are revoked whenever charges of a rule infraction are sustained at a formal hearing. There, revocation means that the original probation order was canceled, even though in most instances it is replaced by a new probation order.

better than many others in the followup, most nevertheless got into trouble —

- 28% had at least one felony arrest on probation
- 24% had at least one disciplinary hearing
- 13% had both an arrest and hearing
- 16% had at least one sentence to jail
- 31% of those with a special condition had not satisfied the condition in full
- 53% of those with a financial penalty had not paid the penalty in full.

In short, only 39% of those who had served their sentence were trouble-free.

Methodology

Data sources

Data were drawn from a variety of sources but were mainly from two surveys: 1) a survey of 1986 felony sentencing in 100 counties across the Nation; 2) a followup survey of the felons sentenced to probation

Table 7. Type of sentence imposed on felony probationers in the followup survey who were arrested for a felony while under supervision

Most serious felony arrest offense	Of probationers arrested for a felony and convicted, percent sentenced to					
	Total	Prison	Jail	Jail and probation	Straight probation	Other
All offenses						
First arrest	100%	42%	10%	36%	9%	3%
Second arrest	100	49	8	36	5	2
Third arrest	100	70	4	19	6	1
First arrest in detail						
Violent offenses	100%	55%	13%	22%	7%	3%
Murder	100	88	1	11	0	0
Rape	100	67	2	17	12	2
Robbery	100	58	18	16	4	4
Assault	100	34	11	37	15	3
Property offenses	100%	38%	11%	37%	11%	3%
Burglary	100	56	7	29	5	3
Larceny	100	27	16	44	10	3
Fraud	100	18	3	38	40	1
Drug offenses	100%	47%	7%	37%	7%	2%
Trafficking	100	48	8	34	7	3
Possession	100	46	7	40	6	1
Weapons offenses	100%	28%	12%	38%	17%	5%
Other offenses	100%	24%	14%	46%	12%	4%

Note: Of all probationers in the follow-up, 43% had 1 or more arrests, 20% had 2 or more, and 10% had 3 or more. See table 1 for information on the composition of individual offense categories. See table 4 for information on offender classification rules. Disposition of felony arrest was ascertained in 38% of cases.

In 32 of the counties. The 1986 sentencing survey relied mostly on court records. The follow-up survey used State criminal history files and probation files to obtain information on arrests during probation, and also used probation files to obtain additional information, such as whether the probationer complied with their court-imposed conditions of probation. Unlike the sentencing survey, the followup survey was not based on a sample selected to be nationally representative.

Nevertheless, based on 12,370 sample cases representing 79,043 felons placed on probation in 32 counties from 17 States across the nation, the followup survey does represent the largest survey of its kind ever conducted. Thirty-nine percent of followup cases were California probationers. To the extent that they were uncharacteristic of probationers nationwide, results of the followup may differ from results that would be obtained from a national random sample or complete census of probationers.

The following 32 counties in 17 States provided probation data: **Arizona**, Maricopa; **California**, Los Angeles, Orange, San Bernardino, San Diego, Santa Clara, Ventura, San Francisco; **Colorado**, Denver; **Florida**, Dade; **Hawaii**, Honolulu; **Illinois**, Cook; **Kentucky**, Jefferson; **Maryland**, Baltimore, Baltimore City; **Minnesota**, Hennepin; **Missouri**, St. Louis County, St. Louis City; **New York**, New York, Kings, Monroe, Erie, Nassau, Suffolk; **Ohio**, Franklin; **Oklahoma**, Oklahoma; **Pennsylvania**, Philadelphia; **Texas**, Bexar, Dallas, Harris; **Washington**, King; and **Wisconsin**, Milwaukee.

Responsibility for gathering of data from probation agency files varied. In 1 county, a retired probation officer collected the data; in another, the agency's probation audit team; in 22, college students hired by the agency; and in the remaining 8, the probation officers themselves. One review was done to learn whether data gatherers affected survey results. A visual check indicated no relationship between how well probationers complied with the conditions of their sentence and which data gatherers recorded the degree of compliance.

Sampling design

Within each of the 32 counties in the study, a representative sample was drawn of felons sentenced by State courts in 1986. Those cases receiving a probation sentence formed the sample of

probationers in the followup. Rates at which cases were sampled varied by county size and conviction offense. All counties contributed to the sample, but cases in larger counties were generally sampled at lower rates than those in smaller ones. Also, less frequent conviction offenses (for example, murder convictions) generally were sampled at higher rates than more frequent categories (for example, larceny convictions). The hierarchy from least to most frequent was murder, rape, robbery, aggravated assault, burglary, larceny, drug trafficking, other felonies. (See *Felony Sentences in State Courts, 1986, 1989*, BJS report, NCJ-115210 for more details.)

Sampling error

Probation followup data were obtained from a sample and not from a complete enumeration. Consequently they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number in the report. In general, if the difference between two numbers is at least twice the standard error of that difference, there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. All differences discussed in this report had a confidence interval at or above 95%. Standard errors for each table in the report are appended.

Period of followup

Time from receiving probation to time of followup varied, largely depending on which month in 1986 the felon received probation. Probation questionnaires based on information in probation files were completed between July and September of 1989. Consequently the maximum exposure to probation that a case could have had was 44 months (January 1986 to September 1989) while the minimum could have been 29 months (December 1986 to June 1989). Exposure time on arrest activity was several months longer. Rap sheets were completed between December 1989 and June 1990.

Additional analysis and methodological details are contained in Mark A. Cuniff and Mary K. Shilton, *Variations on Felon Probation*, a report prepared for BJS under grant #87BJ-CX-0005, March 1991.

Missing data

Computations of statistics shown in the report's tables generally excluded sample cases that were missing data for the particular variables being tabulated. Each table gives the percentage of weighted cases on which table figures were based.

Further reading

The following articles discuss the effects of not having available juvenile criminal-history data to inform prosecution and sentencing decisions.

B. Boland and J.Q. Wilson, "Age, crime, and punishment," *The Public Interest*, 51, pp. 22-34, 1978.

P. A. Langan and D. P. Farrington, "Two-track or one-track justice? Some evidence from an English longitudinal survey," *The Journal of Criminal Law & Criminology*, Vol 74, pp. 519-546, 1983.

This report was written by Patrick A. Langan, Ph.D., BJS Statistician and Mark A. Cuniff, National Association of Criminal Justice Planners. Tom Hester edited the report. John Dawson, Richard J. Solari, Darrell Gilliard, and Brian A. Reaves provided statistical review. Priscilla Middleton, Marilyn Marbrook, and Jayne Pugh produced the report.

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The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

The dataset is available under the title *Recidivism of felons on probation, 1986-89* (ICPSR #9574).

Estimates of 1 standard error for table 1

Most serious felony conviction offense	Number	Percent of probationers							With demographic characteristic:			
		All	With jail confinement in original probation sentence	With a prior felony conviction	Not recommended for probation*	Drug abusers		Assigned to intensive supervision	Male	White	Black	Under age 30
						All	Of drug abusers, those ordered to be tested or treated					
All offenses	131.8		.4	.6	.6	.7	.9	.4	.4	.6	.6	.6
Violent offenses	37.5	--	.8	.9	1.3	1.1	1.9	.6	.5	1.0	1.0	.9
Property offenses	217.9	.3	.7	.9	1.1	1.1	1.6	.6	.7	.9	.9	.9
Drug offenses	307.1	.4	.9	1.2	1.2	1.1	1.4	.9	.8	1.1	1.1	1.0
Weapons offenses	143.5	.2	3.8	3.4	3.8	4.5	7.8	2.6	1.6	4.0	4.0	3.9
Other offenses	312.9	.4	1.5	1.6	1.6	1.9	3.4	1.1	1.2	1.5	1.5	1.6

-- Less than 0.1%.

Estimates of 1 standard error for table 2

Most serious felony conviction offense	Percent of probationers with a special condition							
	Total	Residential placement	Alcohol treatment	Drug treatment	Drug testing	Mental health counseling	House arrest	Day program
All offenses	.6	.3	.4	.6	.6	.3	.1	.1
Violent offenses	1.0	.5	.7	.8	.7	.8	.2	.1
Property offenses	1.0	.5	.6	.8	.9	.5	.3	.1
Drug offenses	1.2	.6	.6	1.2	1.2	.5	.2	.1
Weapons offenses	4.0	1.6	1.9	1.9	3.0	1.8	1.0	.3
Other offenses	1.8	.9	1.6	1.3	1.6	1.3	.4	.4

Estimates of 1 standard error for table 3

Most serious felony conviction offense	Percent of probationers with a financial penalty				
	Total	Court costs	Probation supervision	Victim restitution	Other fees
Average penalty Mean	90.4	32.1	10.2	262.3	7.0
All offenses	.4	.6	.4	.5	.5
Violent offenses	.8	.8	.4	.8	.9
Property offenses	.5	.9	.8	1.0	.9
Drug offenses	.8	1.2	.8	.6	1.1
Weapons offenses	4.1	4.1	2.8	2.6	3.5
Other offenses	1.1	1.7	1.5	1.7	1.7

Estimates of 1 standard error for table 4

Most serious felony conviction offense	Percent of probationers arrested for:					
	Total	Violent offenses	Property offenses	Drug offenses	Weapons offenses	Other offenses
All offenses	.6	.3	.4	.4	.1	.6
Violent offenses	1.0	.9	.7	.7	.3	.3
Property offenses	.9	.5	.8	.5	.2	.4
Drug offenses	1.1	.6	.7	1.1	.2	.4
Weapons offenses	3.9	2.6	1.7	2.6	2.2	1.1
Other offenses	1.6	.8	1.1	.9	.4	.9

Estimates of 1 standard error for table 5

Type of special condition	Probationers who had completed their sentence			
	Percent with a special condition	Percent who	Percent who	
		Did not satisfy condition(s)	Partially satisfied condition(s)	Totally satisfied condition(s)
One or more conditions	1.2	1.6	1.1	1.8
Residential placement	.6	5.2	.8	5.3
Alcohol treatment	.8	2.2	2.0	2.8
Drug treatment	1.0	2.9	1.6	3.1
Drug testing	1.1	2.9	1.3	3.1
Mental health counseling	.6	2.8	2.1	3.4
House arrest	.2	1.7	4.3	11.2
Day program	.2	2.4	13.2	13.2
Community service	.8	2.4	1.6	2.7

Estimates of 1 standard error for table 6

Type of financial penalty	Probationers who had completed their sentence				
	Percent with a financial penalty	Percent who paid			Penalty of penalty paid
		Nothing	Something	In full	
One or more penalties	.7	--	1.6	1.6	4.1
Court costs	1.0	.1	1.6	1.6	11.6
Probation supervision	.7	2.3	1.6	2.3	3.0
Victim restitution	1.0	2.1	1.4	2.2	6.1
Other fees	1.0	.9	1.5	1.6	3.2

-- Less than 0.1%.

Estimates of 1 standard error for table 7

Most serious felony arrest offense	Of probationers arrested for a felony and convicted, percent sentenced to				
	Prison	Jail	Jail and probation	Straight probation	Other
All offenses					
First arrest	1.7	.9	1.7	.9	.4
Second arrest	2.6	1.1	2.6	.9	.3
Third arrest	3.7	1.1	3.3	1.9	.4
First arrest in detail					
Violent offenses	3.8	2.3	3.4	2.0	.9
Property offenses	2.5	1.4	2.6	1.4	.6
Drug offenses	3.1	1.3	3.1	1.4	.7
Weapons offenses	9.2	5.7	10.0	7.0	3.2
Other offenses	3.7	3.3	4.8	2.9	2.1